

perishable goods, etc.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROUSE: Resolution of the Brotherhood of Railway Mail Clerks of Covington, Ky., asking for the repeal of the tax on oleomargarine; to the Committee on Ways and Means.

Also, resolution of Local Union No. 698, Newport, Ky., in relation to the extradition of John J. McNamara; to the Committee on Labor.

By Mr. SLAYDEN: Petition from Frank B. Sanborn, Frederick Starr, Oswald Garrison Villard, Francis E. Woodruff, and others, praying that the President and Congress institute a special inquiry into the manner in which D. C. Worcester has discharged the duties of his office as commissioner in the Philippine Islands, said petition being based on a resolution censuring Commissioner Worcester passed by a unanimous vote of the Philippine Assembly; to the Committee on Insular Affairs.

By Mr. SULZER: Petition of Chamber of Commerce of Pittsburgh, for an amendment of the corporation-tax law; to the Committee on Revision of the Laws.

Also, resolution of the De Witt Clinton High School, in favor of the Owen bill; to the Committee on Expenditures in the Treasury Department.

By Mr. THAYER: Petition of D. E. Chase, asking reduction in duty on raw and refined sugars; to the Committee on Ways and Means.

By Mr. UTTER: Papers to accompany bills granting increases of pensions to Ellen M. Cutler, Bridget Kelly, Emily F. Fish, and Mary Bonner; to the Committee on Invalid Pensions.

By Mr. WILLIS: Petition of J. A. Buck and 21 other citizens of Urbana, Ohio, in favor of House concurrent resolution 6, for the appointment of a committee to investigate the arrest and extradition of John J. McNamara; to the Committee on Rules.

By Mr. WOOD of New Jersey: Resolutions adopted by Local No. 428, Cigarmakers' Union of Trenton; Trenton Lodge, No. 398, International Association of Machinists, of Trenton; Pattern Makers' Association of Trenton and vicinity; and Mercer County Central Labor Union, all in the State of New Jersey, urging immediate action by the House of Representatives on the resolution introduced by Representative BERGER providing for an investigation by a joint committee of the House and Senate on the lawfulness of the acts of the arrest of John J. McNamara; to the Committee on Labor.

Also, additional affidavits to accompany bill (H. R. 8380) granting an increase of pension to Thomas L. Stringer; to the Committee on Invalid Pensions.

## SENATE.

WEDNESDAY, May 17, 1911.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a petition of the Poage's Mill Sunday school, of Roanoke County, Va., and a petition of the Bethesda Sunday school, of Botetourt County, Va., praying for the enactment of legislation for the suppression of the opium evil, which were referred to the Committee on Foreign Relations.

He also presented a memorial of sundry citizens of Iowa, remonstrating against the enactment of legislation for the proper observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

Mr. GALLINGER presented a petition of the Takoma Park Citizens' Association, of the District of Columbia, praying that the extension of New Hampshire Avenue be made in a straight line, which was referred to the Committee on the District of Columbia.

He also presented a memorial of the congregation of the Church of Seventh Day Adventists, of Concord, N. H., and a memorial of the congregation of the Takoma Park Seventh Day Adventists' Church, of the District of Columbia, remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which were referred to the Committee on the District of Columbia.

He also presented the memorial of George F. Newell, of Swanzy, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a memorial of the Ancient Order of Hibernians of Dover, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. BURNHAM presented a memorial of the Ancient Order of Hibernians, of Strafford County, N. H., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

He also presented a memorial of the congregation of the Seventh Day Adventist Church, of Concord, N. H., remonstrating against the observance of Sunday as a day of rest in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented the memorial of Herbert H. Chamberlain, of Swanzy, N. H., remonstrating against the proposed reciprocal trade agreement between the United States and Canada, which was referred to the Committee on Finance.

He also presented a petition of the Friday Literary Club, of Bradentown, Fla., praying for the repeal of the present oleomargarine law, which was referred to the Committee on Agriculture and Forestry.

Mr. NELSON presented a memorial of the Ancient Order of Hibernians, of Dakota County, Minn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. WARREN presented a memorial of the E. Clemens Horst Co., hop growers, of San Francisco, Cal., remonstrating against the proposed reciprocal trade agreement between the United States and Canada and also against the passage of the so-called farmers' free-list bill and all antiprotective bills, which was referred to the Committee on Finance.

Mr. BRANDEGEE presented a memorial of the county board of officers and directors of the Ancient Order of Hibernians of Fairfield County, Conn., remonstrating against the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

Mr. O'GORMAN presented a petition of the congregation of the First Methodist Episcopal Church of Ithaca, N. Y., praying for the ratification of the proposed treaty of arbitration between the United States and Great Britain, which was referred to the Committee on Foreign Relations.

### REPORTS OF COMMITTEES.

Mr. MARTIN of Virginia, from the Committee on Commerce, to which was referred the bill (S. 1627) to authorize the construction, maintenance, and operation of a bridge across and over the Arkansas River, and for other purposes, reported it with amendments and submitted a report (No. 27) thereon.

He also, from the same committee, to which were referred the following bills, reported them each with an amendment and submitted reports thereon:

A bill (S. 850) to amend an act entitled "An act to legalize and establish a pontoon railway bridge across the Mississippi River at Prairie du Chien, and to authorize the construction of a similar bridge at or near Clinton, Iowa," approved June 6, 1874 (Rept. No. 26); and

A bill (S. 144) to legalize a bridge across the Pend Oreille River in Stevens County, Wash. (Rept. No. 25).

Mr. PERKINS, from the Committee on Naval Affairs, to which was referred the bill (S. 2003) authorizing the Secretary of the Navy to make partial payments for work already done under public contracts, reported it without amendment and submitted a report (No. 28) thereon.

Mr. BURNHAM. A number of petitions have been received relating to cold storage, which have been referred to the Committee on Agriculture and Forestry. As the bill (S. 136) to prevent the sale or transportation in interstate or foreign commerce of articles of food held in cold storage for more than the time herein specified, and for regulating traffic therein, and for other purposes, is in the hands of the Committee on Manufactures, I report back the petitions and move that the Committee on Agriculture and Forestry be discharged from their further consideration and that they be referred to the Committee on Manufactures.

The motion was agreed to.

### LANDS AT PORT ANGELES, WASH.

Mr. JONES. From the Committee on Public Lands I report back favorably without amendment the bill (S. 339) providing for the reappraisal and sale of certain lands in the town site of Port Angeles, Wash., and for other purposes, and I submit a report (No. 24) thereon. It is a short bill and a



similar measure has previously passed the Senate. I ask unanimous consent for its present consideration.

The VICE PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REGULATION OF FISHERIES.

Mr. SMITH of Michigan. I ask unanimous consent to call up the bill (S. 12) to give effect to the provisions of a treaty between the United States and Great Britain concerning the fisheries in boundary waters contiguous to the United States and the Dominion of Canada, signed at Washington on April 1, 1908, and ratified by the United States Senate April 13, 1908.

Mr. GALLINGER. Mr. President, I will not object to the request made by the Senator from Michigan, but I give notice that I shall object to further requests for unanimous consent to consider bills until the morning business has been concluded. I will do so after this matter has been disposed of.

Mr. JONES. Unless there is some special reason why this bill should be passed soon, I should like to ask the Senator from Michigan to let it go over for a short time, because I had considerable correspondence with some gentlemen from my State with reference to this measure before it was reported. I have written to them and sent them a copy of the report and bill, and I wish to find out whether they have any objection to urge against the bill.

Mr. SMITH of Michigan. Mr. President, the object in pressing the bill for final passage is this: The treaty between these two countries was made and promulgated three years ago. In order to give it effect the regulations must be agreed upon between the two countries, and the regulations as they appear in Senate bill 12 have been agreed upon. They affect the right of fishermen to use certain sized nets in boundary waters, and if the treaty regulations are to go into effect, the fishermen must have ample notice of that fact. Otherwise they will not know what to do with reference to the purchase of new nets.

We have held the bill for over a year, in order to correct some of its details. About every section of the country directly affected by it has been consulted, and I had supposed that the interests of the Pacific coast, as well as all other interests affected, were perfectly satisfied with the regulations.

I do not like to be insistent when a Senator asks that we may delay a measure, and I could not proceed with it except by unanimous consent; but the Committee on Foreign Relations directed me to make this report, and have asked me to bring it to the attention of the Senate. I have done so; but I am not going to press it if the Senator from Washington asks for further time.

Mr. JONES. I will say to the Senator that I am satisfied I can get word by Monday, and I really do not anticipate from my examination of the bill and the report that there will be any objection at all to the measure. But these gentlemen presented such serious objections to the regulations as they were proposed that I felt I ought to submit the matter to them before the passage of the bill. So I ask that it may go over.

Mr. SMITH of Michigan. Under the circumstances, I will withdraw the request.

The VICE PRESIDENT. The Senator from Michigan withdraws the request for the consideration of the bill.

#### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WATSON:

A bill (S. 2359) granting an increase of pension to George S. Arnold;

A bill (S. 2360) granting an increase of pension to David Cain;

A bill (S. 2361) granting an increase of pension to Eli B. Riggs; and

A bill (S. 2362) granting a pension to Mary V. Harris; to the Committee on Pensions.

Mr. GALLINGER. On the 6th day of April last I introduced a bill (S. 22) to establish and disburse a public-school teachers' retirement fund in the District of Columbia. I have been requested to introduce another bill on the same subject, which I think differs somewhat from the one now before the committee. I introduce this bill by request, and ask that it go to the Committee on the District of Columbia.

By Mr. GALLINGER:

A bill (S. 2363) to establish and disburse a public-school teachers' retirement fund in the District of Columbia (with accompanying paper); to the Committee on the District of Columbia.

By Mr. McCUMBER:

A bill (S. 2364) for the relief of Capt. James Ronayne, United States Army; and

A bill (S. 2365) for the relief of Capt. Frederick B. Shaw; to the Committee on Claims.

By Mr. WETMORE:

A bill (S. 2366) to acquire land along the course of Rock Creek for the purpose of preventing the pollution and obstruction thereof, and of connecting Potomac Park with the Zoological Park and Rock Creek Park, and providing a new location for the United States Botanic Garden; to the Committee on Public Buildings and Grounds.

By Mr. McLEAN:

A bill (S. 2367) to protect migratory wild fowl in the United States; to the Committee on Forest Reservations and the Protection of Game.

A bill (S. 2368) granting a pension to Fanny L. Graham (with accompanying paper);

A bill (S. 2369) granting an increase of pension to William H. Tinkham (with accompanying paper); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2370) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on Interstate Commerce.

By Mr. BROWN:

A bill (S. 2371) to amend section 3224 of the United States Compiled Statutes so as to prevent the restraining of the assessment or collection of any tax—State, county, municipal, district, or Federal; to the Committee on the Judiciary.

A bill (S. 2372) to amend an act to create a commerce court and to amend the act entitled "An act to regulate commerce," approved February 4, 1887, as heretofore amended, and for other purposes, by adding a section thereto; to the Committee on Interstate Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 2373) to appoint Col. William F. Stewart, United States Army, retired, to the rank of brigadier general on the retired list of the Army; to the Committee on Military Affairs.

By Mr. REED:

A bill (S. 2374) to amend an act entitled "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890; to the Committee on Interstate Commerce.

Mr. CULBERSON. I introduce a bill and ask that it be referred to the Committee on the Judiciary. I will state that it is a copy of the act approved July 2, 1890, known as the antitrust law, with certain additions. I ask that it be printed, so that the proposed interlineations may be printed in small caps. The Committee on the Judiciary considered and reported the original bill, and I ask that this bill be referred to the same committee.

The VICE PRESIDENT. Without objection, the order will be entered for the printing of the bill in the manner suggested by the Senator from Texas.

By Mr. CULBERSON:

A bill (S. 2375) to protect trade and commerce against unlawful restraints and monopolies; to the Committee on the Judiciary.

By Mr. CUMMINS:

A bill (S. 2376) granting an increase of pension to Mrs. Ellis R. Douglass (with accompanying paper);

A bill (S. 2377) granting a pension to Jennie A. Pettingell (with accompanying paper); and

A bill (S. 2378) granting an increase of pension to Robert F. Carter (with accompanying paper); to the Committee on Pensions.

By Mr. SHIVELY:

A bill (S. 2379) granting a pension to Addie Roof; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2380) granting a pension to William McCabe; to the Committee on Pensions.

By Mr. SWANSON:

A bill (S. 2381) for the relief of the estate of Antonia Sousa, deceased;

A bill (S. 2382) for the relief of Frederick Hughson;

A bill (S. 2383) for the relief of the heirs of Lemmus J. Spence, deceased; and

A bill (S. 2384) for the relief of Thomas Johnson or his legal representatives; to the Committee on Claims.

By Mr. POINDEXTER:

A bill (S. 2385) granting a pension to Frederica R. Watson; to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 2386) for the relief of Alberti Operti;

A bill (S. 2387) for the relief of Alberti Operti; and

A bill (S. 2388) for the relief of Alberti Operti; to the Committee on the Library.

A bill (S. 2389) for the relief of the Alabama Great Southern Railroad Co.; to the Committee on Post Offices and Post Roads.

A bill (S. 2390) for the relief of the representatives of the estate of Henry C. Sills, deceased;

A bill (S. 2391) for the relief of W. R. Hall;

A bill (S. 2392) for the relief of the estate of Edward Bedsole, deceased;

A bill (S. 2393) for the relief of the heirs of John L. Hayes, deceased;

A bill (S. 2394) for the relief of Samuel H. Yarborough and estate of John Jones, deceased;

A bill (S. 2395) for the relief of the heirs or estate of James M. Alexander, deceased;

A bill (S. 2396) for the relief of A. J. Southard;

A bill (S. 2397) for the relief of the heirs of Calvin Lacy;

A bill (S. 2398) for the relief of Turner Jones;

A bill (S. 2399) for the relief of the Alabama Great Southern Railroad Co.;

A bill (S. 2400) for the relief of Susan Seymour, heir of Edward H. Wade, deceased;

A bill (S. 2401) for the relief of David C. and Daniel W. Reece, heirs of Andrew Reece, deceased;

A bill (S. 2402) for the relief of William J. Hammond and Francis M. Warren, heirs of the estate of Solomon Kean, deceased;

A bill (S. 2403) for the relief of Dempsey Smith, heir of Wade Smith, deceased;

A bill (S. 2404) for the relief of heirs or estate of C. C. Blancit, deceased;

A bill (S. 2405) for the relief of Samuel H. Yarbrough and estate of John Jones, deceased;

A bill (S. 2406), for the relief of heirs or estates of Elbert H. Ellett and Malinda Ellett, deceased;

A bill (S. 2407) for the relief of James Williams;

A bill (S. 2408) for the relief of the heirs or estate of W. C. Burlison, deceased;

A bill (S. 2409) for the relief of Thomas Seymour;

A bill (S. 2410) for the relief of heirs or estate of Benjamin Lawler, deceased;

A bill (S. 2411) for the relief of Salina E. Lauderdale;

A bill (S. 2412) for the relief of Lewis Metz;

A bill (S. 2413) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs;

A bill (S. 2414) for the relief of Rittenhouse Moore; and

A bill (S. 2415) for the relief of Dr. J. L. Vineyard; to the Committee on Claims.

A bill (S. 2416) granting a pension to Jennings J. Pierce (with accompanying paper);

A bill (S. 2417) granting a pension to Andrew J. Tidwell (with accompanying papers);

A bill (S. 2418) granting a pension to Janie Atnip;

A bill (S. 2419) granting a pension to Daniel S. Jones;

A bill (S. 2420) granting a pension to William M. Hall;

A bill (S. 2421) granting an increase of pension to Ernest Newbaner;

A bill (S. 2422) granting an increase of pension to William Pritchard;

A bill (S. 2423) granting an increase of pension to Mary Walls;

A bill (S. 2424) granting a pension to Elias Brown; and

A bill (S. 2425) granting an increase of pension to T. L. Williams; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2426) to incorporate the "Descendants of the Signers"; to the Committee on the Judiciary.

By Mr. GALLINGER:

A joint resolution (S. J. Res. 27) proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

#### WITHDRAWAL OF PAPERS—JOHN B. LEE.

On motion of Mr. CHAMBERLAIN, it was

Ordered, That the papers in the case of John B. Lee (S. 7023), Sixty-first Congress, be withdrawn from the files of the Senate, no adverse report having been made thereon.

#### COST OF LIVING IN AMERICAN TOWNS.

On motion of Mr. SMOOT, it was

Ordered, That 500 copies of Senate Document No. 22, on Cost of Living in American Towns, be printed for the use of the Senate document room.

#### THE STANDARD OIL CO. ET AL. V. THE UNITED STATES.

Mr. SMOOT. Mr. President, I have received many telegrams and letters this morning from different sections of the country asking that the decision of the United States Supreme Court in the Standard Oil case be printed as a public document (S. Doc. No. 34). I ask the unanimous consent of the Senate that the decision be printed, and also that the dissenting opinion of Mr. Justice Harlan be printed in the same document—5,000 copies for the use of the Senate document room.

The VICE PRESIDENT. Is there objection? The Chair hears none, and the order is entered.

Mr. CULBERSON. I understand that the dissenting opinion of Mr. Justice Harlan probably has not been fully prepared or revised, and if the opinion of the majority of the court, delivered by the Chief Justice, is printed, I suggest that the dissenting opinion as delivered from the bench, and which has been published, go along with the main opinion at the same time.

Mr. SMOOT. Would the Senator object to withholding the publication of the document until the dissenting opinion of Mr. Justice Harlan is ready?

Mr. CULBERSON. I do not object to taking time to get both complete, but I object to printing the main opinion first and the dissenting opinion afterwards.

Mr. SMOOT. I will see that the document is not printed until both opinions are ready.

Mr. CULBERSON. Very well.

The VICE PRESIDENT. The order will then be, if there be no objection, that both opinions be printed in one document.

#### DEMOCRACY AND ART.

Mr. BORAH. I desire to have printed as a document an article by Dr. W. K. Bush-Brown on the subject of "Democracy and art." I ask that the article be referred to the Committee on Printing for action.

The VICE PRESIDENT. Without objection, the paper presented by the Senator from Idaho will be referred to the Committee on Printing for recommendation.

#### PULP AND NEWS-PRINT-PAPER INDUSTRY.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 31), which was read and, with the accompanying paper, referred to the Committee on Finance and ordered to be printed:

To the Senate:

I have the honor to transmit herewith a report on the pulp and news-print-paper industry by the Tariff Board. In response to a resolution of the Senate dated February 23, 1911, I forwarded a report by the Tariff Board answering as far as practicable the inquiries of that resolution. That report contained a preliminary report on the pulp and news-print-paper industry.

As will be seen from the letter of transmittal, the present report is not a supplement to the preliminary report, but is a complete unit in itself.

WM. H. TAFT.

THE WHITE HOUSE, May 17, 1911.

#### AUTHORITY OVER WATER POWER IN STATES.

Mr. JONES. I offer the resolution which I send to the desk and ask unanimous consent for its present consideration.

The PRESIDING OFFICER (Mr. LODGE in the chair). The resolution will be read for the information of the Senate.

The Secretary read the resolution (S. Res. 44), as follows:

Resolved, That the Committee on the Judiciary of the Senate be, and it is hereby, directed to report to the Senate, at as early a date as possible in the next regular session of Congress, upon the power and authority of the National Government over the development and use of water power within the respective States, and especially—

First. Has the National Government any authority to impose a charge for the use of water power developed on nonnavigable streams, whether State or interstate?

Second. Has it any authority in granting permits to develop water power on a navigable stream to impose and enforce conditions relating to stated payments to the Government, regulation of charges to consumers, and determination of the right to make use of such developed power?

Third. Has it authority in disposing of any of its lands, reserved or unreserved, necessary and suitable for use in connection with the development or use of water power on a nonnavigable stream, whether State or interstate, by lease or otherwise, to limit the time for which such development may continue or to impose and enforce charges for the use and development of such water power or to control and regulate the disposition of such water power to its consumers?



The PRESIDING OFFICER. The Senator from Washington asks unanimous consent for the present consideration of the resolution.

Mr. HEYBURN. Let the resolution go over, Mr. President.

The PRESIDING OFFICER. Objection is made, and the resolution goes over.

#### FEDERAL ANTITRUST DECISIONS.

Mr. GORE. I submit a concurrent resolution, and ask that it be read.

The resolution (S. Con. Res. 3) was read, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there be printed and bound 3,000 copies of the Federal antitrust decisions, 1890 to 1911, to be compiled by the direction of the Department of Justice, 1,000 copies for the use of the Senate and 2,000 copies for the use of the House of Representatives.*

Mr. GORE. I ask that the resolution be referred to the Committee on Printing for action.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### INVESTIGATIONS OF ADVANCES IN RATES BY CARRIERS.

Mr. CUMMINS submitted the following resolution (S. Res. 43), which was read and referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

*Resolved, That the Senate Committee on Interstate Commerce be, and is hereby, authorized to have made for use of Members of the Senate an index-digest of the record (already printed) in Senate Documents Nos. 3400 and 3500, Interstate Commerce Commission, entitled "In re Investigations of Advances in Rates by Carriers," etc., at a cost not to exceed \$1,500, payable as the work progresses, on warrants or orders of the chairman of said committee, out of the contingent fund of the Senate.*

#### ELECTION OF PRESIDENT PRO TEMPORE.

Mr. HEYBURN. I move that the Senate proceed to the election of a President pro tempore of the Senate.

The motion was agreed to.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). I have a pair with the senior Senator from Maine [Mr. FRYE]. I transfer that pair to the Senator from Oklahoma [Mr. OWEN], and vote for the Senator from South Carolina [Mr. TILLMAN]. I desire to say that I will consider this announcement made as to any subsequent ballot on this question.

Mr. LA FOLLETTE (when Mr. BOURNE's name was called). The senior Senator from Oregon [Mr. BOURNE] is unavoidably detained from the Senate. I am instructed to say that if he were present he would vote for the Senator from Minnesota [Mr. CLAPP].

Mr. DILLINGHAM (when his name was called). I have a general pair with the senior Senator from South Carolina [Mr. TILLMAN] which I transfer to the junior Senator from Wisconsin [Mr. STEPHENSON]. I desire this announcement to stand for the day. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. DIXON (when his name was called). I am paired for the day with the senior Senator from Oregon [Mr. BOURNE]. If he were present, I should vote for the Senator from New Hampshire [Mr. GALLINGER]. He being absent, I withhold my vote and let this announcement stand for the rest of the day.

Mr. CRAWFORD (when Mr. GAMBLE's name was called). My colleague [Mr. GAMBLE] is unavoidably absent. He requested me to say that if he were present he would vote for the Senator from New Hampshire [Mr. GALLINGER]. I make this statement for the rest of the day.

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is unavoidably detained from the Senate. I therefore withhold my vote. I make this announcement for the balance of the day.

Mr. CUMMINS (when Mr. KENYON's name was called). My colleague [Mr. KENYON] is unavoidably absent from the city to-day and will be for some days to come.

Mr. McCUMBER (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. PERCY]. I transfer that pair to the Senator from South Dakota [Mr. GAMBLE] and will vote. I make this announcement for any subsequent vote to-day upon the same subject. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. GORE (when Mr. OWEN's name was called). My colleague [Mr. OWEN] is necessarily absent from the Senate and from the city. I make this announcement for the day.

Mr. DU PONT (when Mr. RICHARDSON's name was called). My colleague [Mr. RICHARDSON] is unavoidably absent. He is paired with the junior Senator from South Carolina [Mr.

SMITH]. If my colleague were present and free to vote, he would vote for the Senator from New Hampshire [Mr. GALLINGER], and the Senator from South Carolina [Mr. SMITH] would vote for the Senator from Georgia [Mr. BACON]. I make this announcement for the day should there be any other votes on this question.

Mr. WATSON (when his name was called). I have a general pair with the senior Senator from New Jersey [Mr. BRIGGS]. If he were present he would vote for the Senator from New Hampshire [Mr. GALLINGER], and I should vote for the Senator from Georgia [Mr. BACON].

I also desire to announce that my colleague [Mr. CHILTON] is necessarily absent from the Senate. He has a general pair with the senior Senator from Illinois [Mr. CULLOM]. If my colleague were present, he would vote for the Senator from Georgia [Mr. BACON] and the senior Senator from Illinois would vote for the Senator from New Hampshire [Mr. GALLINGER].

The roll call was concluded.

Mr. BORAH (after having voted for Mr. GALLINGER). I observe that the Senator from Minnesota [Mr. CLAPP] is not in the Chamber. I have a pair with the Senator from Minnesota, and in view of his absence I will withdraw my vote.

Mr. DIXON. I transfer my pair with the senior Senator from Oregon [Mr. BOURNE] to the junior Senator from Iowa [Mr. KENYON] and will vote. I vote for the Senator from New Hampshire [Mr. GALLINGER].

Mr. JOHNSTON of Alabama. I desire to announce for the day that the junior Senator from Arkansas [Mr. DAVIS] is paired with the junior Senator from Illinois [Mr. LORIMER].

Mr. CULBERSON. I am requested to announce that the Senator from South Carolina [Mr. SMITH], who is unavoidably absent to-day, is paired with the Senator from Delaware [Mr. RICHARDSON]. If the Senator from South Carolina were present he would vote for the Senator from Georgia [Mr. BACON].

The roll call resulted as follows:

#### FOR MR. BACON—32.

|              |                |          |            |
|--------------|----------------|----------|------------|
| Bailey       | Gore           | Myers    | Simmons    |
| Bankhead     | Hitchcock      | Newlands | Smith, Md. |
| Bryan        | Johnson, Me.   | O'Gorman | Stone      |
| Chamberlain  | Johnston, Ala. | Overman  | Swanson    |
| Clarke, Ark. | Kern           | Pomerene | Taylor     |
| Culberson    | Lea            | Rayner   | Terrell    |
| Fletcher     | Martin, Va.    | Reed     | Thornton   |
| Foster       | Martine, N. J. | Shively  | Williams   |

#### FOR MR. GALLINGER—30.

|             |            |         |              |
|-------------|------------|---------|--------------|
| Bradley     | Dillingham | McLean  | Smith, Mich. |
| Brandeggee  | Dixon      | Nelson  | Smoot        |
| Brown       | du Pont    | Nixon   | Sutherland   |
| Burnham     | Heyburn    | Oliver  | Townsend     |
| Burton      | Jones      | Page    | Warren       |
| Clark, Wyo. | Lippitt    | Penrose | Wetmore      |
| Crane       | Lodge      | Perkins |              |
| Curtis      | McCumber   | Root    |              |

#### FOR MR. CLAPP—7.

|          |         |             |       |
|----------|---------|-------------|-------|
| Bristow  | Cummins | La Follette | Works |
| Crawford | Gronna  | Poindexter  |       |

#### FOR MR. LODGE—1.

Gallinger

#### FOR MR. TILLMAN—1.

Bacon.

#### NOT VOTING—20.

|         |            |         |              |
|---------|------------|---------|--------------|
| Borah   | Cullom     | Kenyon  | Richardson   |
| Bourne  | Davis      | Lorimer | Smith, S. C. |
| Briggs  | Frye       | Owen    | Stephenson   |
| Chilton | Gamble     | Paynter | Tillman      |
| Clapp   | Guggenheim | Percy   | Watson       |

The PRESIDING OFFICER. Seventy-one Senators have voted; necessary to a choice, 36. The Senator from Georgia [Mr. BACON] has 32, the Senator from New Hampshire [Mr. GALLINGER] has 30, the Senator from Minnesota [Mr. CLAPP] has 7, the Senator from South Carolina [Mr. TILLMAN] has 1, and the Senator from Massachusetts [Mr. LODGE] has 1. There is no choice. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. BACON (when his name was called). With the same announcement of the transfer of pairs that I previously made, I vote for the Senator from South Carolina [Mr. TILLMAN].

Mr. BORAH (when his name was called). I make the same announcement that I made on the former vote.

Mr. GUGGENHEIM (when his name was called). I again announce my pair with the senior Senator from Kentucky [Mr. PAYNTER].

The roll call was concluded.

Mr. WATSON. The announcement of pairs that I made on the former vote stands for to-day.



The roll call, having been concluded, resulted as follows:

FOR MR. BACON—32.

|              |                |          |            |
|--------------|----------------|----------|------------|
| Bailey       | Gore           | Myers    | Simmons    |
| Bankhead     | Hitchcock      | Newlands | Smith, Md. |
| Bryan        | Johnson, Me.   | O'Gorman | Stone      |
| Chamberlain  | Johnston, Ala. | Overman  | Swanson    |
| Clarke, Ark. | Kern           | Pomerene | Taylor     |
| Culberson    | Lea            | Rayner   | Terrell    |
| Fletcher     | Martin, Va.    | Reed     | Thornton   |
| Foster       | Martine, N. J. | Shively  | Williams   |

FOR MR. GALLINGER—29.

|             |            |              |            |
|-------------|------------|--------------|------------|
| Bradley     | Dillingham | Nelson       | Smoot      |
| Brandegee   | du Pont    | Nixon        | Sutherland |
| Brown       | Heyburn    | Oliver       | Townsend   |
| Burnham     | Jones      | Page         | Warren     |
| Burton      | Lippitt    | Penrose      | Wetmore    |
| Clark, Wyo. | Lodge      | Perkins      |            |
| Crane       | McCumber   | Root         |            |
| Curtis      | McLean     | Smith, Mich. |            |

FOR MR. CLAPP—7.

|          |         |             |       |
|----------|---------|-------------|-------|
| Bristow  | Cummins | La Follette | Works |
| Crawford | Gronna  | Polindexter |       |

FOR MR. LODGE—1.

Gallinger.

FOR MR. TILLMAN—1.

Bacon.

NOT VOTING—21.

|         |            |              |            |
|---------|------------|--------------|------------|
| Borah   | Davis      | Lorimer      | Stephenson |
| Bourne  | Dixon      | Owen         | Tillman    |
| Briggs  | Frye       | Paynter      | Watson     |
| Chilton | Gamble     | Percy        |            |
| Clapp   | Guggenheim | Richardson   |            |
| Cullom  | Kenyon     | Smith, S. C. |            |

The PRESIDING OFFICER. Seventy Senators have voted; necessary to a choice, 36. The Senator from Georgia [Mr. BACON] has 32, the Senator from New Hampshire [Mr. GALLINGER] 29, the Senator from Minnesota [Mr. CLAPP] 7, the Senator from Massachusetts [Mr. LODGE] 1, and the Senator from South Carolina [Mr. TILLMAN] 1. There is no choice.

ELECTION OF SENATORS BY DIRECT VOTE.

Mr. BORAH. I move that the Senate proceed to the consideration of the joint resolution (H. J. Res. 39) proposing an amendment to the Constitution providing that Senators shall be elected by the people of the several States.

The motion was agreed to, and the Senate, as in Committee of the Whole, resumed the consideration of the joint resolution.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kansas [Mr. BRISTOW].

Mr. CRAWFORD obtained the floor.

Mr. WARREN. Will the Senator from South Dakota yield to me for a moment to present a matter?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Wyoming?

Mr. CRAWFORD. Certainly.

MEMBER OF BOARD OF MANAGERS OF NATIONAL SOLDIERS' HOME.

Mr. WARREN. Last month I introduced and asked for the consideration of a joint resolution (S. J. Res. 14) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers. The man whose name I presented is an ex-Senator who has done faithful and valuable service in the United States Senate, an old soldier who served with distinction through the Civil War, and always the friend of the soldier, whether in public or private life. Although the measure carried unanimously, a motion to reconsider has since been entered. I now wish to present a letter from ex-Senator Scott, which I ask may be read, and then I will ask unanimous consent to strike from the calendar the joint resolution.

The PRESIDING OFFICER. Without objection, the letter will be read.

The Secretary read as follows:

MY DEAR SENATOR WARREN: In your personal friendship for me you introduced a joint resolution naming me as a member to fill a vacancy on the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The resolution was offered without my knowledge, as you know. I am informed that a member of the Military Committee objects. I therefore ask that you withdraw the said resolution.

Thanking you and my former associates in the Senate for the prompt passage of the resolution, I remain,

Yours, very truly,

N. B. SCOTT.

MAY 10, 1911.

Mr. WARREN. I ask unanimous consent to strike from the calendar Order No. 1, which is the joint resolution.

The PRESIDING OFFICER. The Chair thinks that the previous action of the Senate will have to be reconsidered—

Mr. WARREN. Very well. Then I make that motion.

The PRESIDING OFFICER (continuing). As a motion to reconsider is pending.

Mr. CUMMINS. A parliamentary inquiry. What would be the effect upon the order of business already established of

taking up this matter for consideration? The Senate has voted to take up for consideration—

The PRESIDING OFFICER. The Senator from Wyoming is occupying the floor by unanimous consent.

Mr. WARREN. By consent of the Senator having the floor and by unanimous consent.

Mr. CUMMINS. I understand that, but if the Senate takes up for consideration another legislative matter, it seems to me it will displace the joint resolution called up by the Senator from Idaho.

Mr. GALLINGER and others. Oh, no.

Mr. WARREN. We are still in the morning hour—

Mr. CUMMINS. I understand that.

Mr. WARREN. And I asked unanimous consent.

Mr. CUMMINS. I asked the Chair as a parliamentary inquiry.

The PRESIDING OFFICER. It is not a question of laying aside House joint resolution 39, because that comes up on motion; but it can be temporarily laid aside by unanimous consent and this measure disposed of, and then the Senate will return to the consideration of the House joint resolution.

Mr. CUMMINS. I understand that; but it has not been temporarily laid aside by unanimous consent.

The PRESIDING OFFICER. It does not need to be temporarily laid aside by unanimous consent. It can be displaced by unanimous consent.

Mr. CUMMINS. I simply want to preserve the order that has been established. I have no objection whatever to the motion proposed by the Senator from Wyoming.

The PRESIDING OFFICER. The Chair understood, when the Senator from Idaho yielded to the Senator from Wyoming, that he would allow him temporarily to displace the House joint resolution and dispose of this measure.

Mr. CUMMINS. The Senator from South Dakota addressed the Chair presumably upon the joint resolution which had already been taken up.

The PRESIDING OFFICER. The Chair is aware of that.

Mr. CUMMINS. And the Senator from South Dakota yielded to the Senator from Wyoming.

Mr. WARREN. For this purpose only.

The PRESIDING OFFICER. The Senator from Wyoming thereupon asked unanimous consent to dispose of this measure now, and as there was no objection the measure was taken up.

Mr. CUMMINS. If after the disposition of the matter proposed by the Senator from Wyoming the joint resolution proposing an amendment to the Constitution at once takes its place before the Senate, I have no objection.

The PRESIDING OFFICER. Certainly it will, in the opinion of the Chair.

Mr. WARREN. I move that the votes by which the joint resolution (S. J. Res. 14) for appointment of a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers was ordered to be engrossed for a third reading, read the third time, and passed, be reconsidered, with a view of thereafter moving the indefinite postponement of the joint resolution.

The motion to reconsider was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the indefinite postponement of the joint resolution.

Mr. BROWN. Before that order is made I simply desire to say that I entered the motion to reconsider the vote by which the joint resolution was passed, not in any spirit of hostility at all to ex-Senator Scott. I have great personal regard and admiration for him as a man and as one of the defenders of the country when it needed a defense. My only purpose was, not being present when the joint resolution was adopted, to give the Grand Army people of my State an opportunity to be heard. They had written to me with regard to the vacancy which had been caused by the death of one of the past commanders of that State, and I entered the motion in order to hold it in statu quo until I might hear from them.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Wyoming that the joint resolution be indefinitely postponed.

The motion was agreed to.

RECIPROCITY WITH CANADA.

The VICE PRESIDENT. The Chair will lay before the Senate the amendment submitted by the Senator from South Dakota [Mr. CRAWFORD] to the bill (H. R. 4412) to promote reciprocal trade relations with the Dominion of Canada, and for other purposes.

Mr. CRAWFORD. Mr. President, on January 26, 1911, the President of the United States sent a special message to the two Houses of the Sixty-first Congress, transmitting corre-



spondence embodying an agreement between the Department of State and the Canadian Government in regard to certain proposed reciprocal tariff legislation; also statistical information showing the effect of the proposed agreement upon the commerce and revenues of the United States and the Dominion of Canada. No more important and notable document has been received from a President of these United States in many a year.

It is of the highest importance, because it proposes a complete—and I may say radical—change in the policy and attitude of the Government of the United States toward what has heretofore been regarded as the most fundamental as well as the greatest of all our industries—agriculture—its purpose being to remove absolutely all duties from the farm products hereafter grown in the Dominion of Canada, a great empire with unlimited possibilities for the growth of identically the same crops as those grown throughout the northern part of the United States; an empire stretching in vast area 3,700 miles across our entire northern boundary; the only country in the world whose people can compete with ours, on the North American Continent, in the production and sale of Temperate Zone soil products; it proposes to exempt these products from all duty, whether for revenue or protection, and to allow them henceforth free access to the markets of the United States upon a basis of absolute equality with the products of the farms in this country.

It is a notable document because of its great clearness of statement, the kindness of the sentiment it expresses, the loftiness of its tone, and the desire so deeply manifest to promote a feeling of amity and good will between two kindred peoples. The President says:

This trade agreement, if entered into, will cement the friendly relations with the Dominion which have resulted from the satisfactory settlement of the controversies that have lasted for a century and further promote good feeling between kindred peoples. \* \* \* The geographical proximity, the closer relation of blood, common sympathies, and identical moral and social ideas furnish very real and striking reasons why this agreement ought to be viewed from a higher plane.

Since becoming a nation Canada has been our good neighbor, immediately contiguous across a wide continent without artificial or natural barrier, except navigable waters used in common. She has cost us nothing in the way of preparations for defense against her possible assault, and she never will. She has sought to agree with us quickly when differences have disturbed our relations. She shares with us common traditions and aspirations.

Notwithstanding the fine optimism with which the President commends the proposed measure, he is cautious in what he says about its bringing about a reduction in the cost of living in the United States. He says:

I do not wish to hold out the prospect that the unrestricted interchange of food products will greatly and at once reduce their cost to the people of this country. \* \* \* Reciprocity with Canada must necessarily be chiefly confined in its effect on the cost of living to food and forest products. The question of the cost of clothing as affected by duty on textiles and their raw materials, so much mooted, is not within the scope of an agreement with Canada, because she raises comparatively few wool sheep and her textile manufactures are unimportant.

So the President, who is its most enthusiastic advocate, makes no promise that this measure will reduce the cost of food products to the consumer in the United States; he frankly admits that it will not in the slightest degree affect the cotton and woolen schedules, and that the cost of clothing will not be reduced in any manner as the result of its enactment.

If this proposed law is not to reduce the cost of food products, nor of clothing, to the consumers in this country, are we to enact it simply upon the ground that it will "cement the friendly relations" already existing between the Dominion and the United States?

Those relations have been unbroken for a hundred years. Is there any need just now of changing our policies, in order that they may continue in the future as they have in the past? Are we not enjoying our full share of the Dominion's trade now?

In the year 1910 Canada's total trade with the world was \$693,211,221. Her imports were \$385,833,103. Of this amount she imported \$233,071,155 from the United States, and only \$152,763,910 from the rest of the world. She bought from the people of the United States what amounts to about \$30 worth of goods for each one of her 7,500,000 people. During the same year our imports from Canada were \$95,123,310, about \$1 for each of our 95,000,000 people. The Canadians purchased from us \$30 worth of goods per capita, and we purchased from them \$1 per capita.

The most cordial relations exist between the two peoples. There is no crying demand for a change on the part of the Canadians. They firmly adhere to a protective tariff upon manufactured articles and are careful not to change that policy in this trade agreement. Of present trade conditions we certainly can not complain. In 1910 Canada's trade with the United States was \$53,000,000 more than with Great Britain; in 1909 our sales to Canada were \$192,661,000 and Great Britain's sales

to her were only \$86,257,000, notwithstanding she gives the mother country a preferential tariff rate 33½ per cent below the rate imposed against us. She is our third best customer, and if cotton were eliminated she would rank second. She is growing and prosperous and exceedingly friendly. She insists upon a tariff wall against us, to protect her growing manufacturing interests, and without resentment we cheerfully recognize her right to do so. We shall not quarrel with her because she refuses to change her protective policy for the sole purpose of "cementing friendly relations" with us.

If we could have a reciprocal treaty with Canada under which trade in the products of each country would flow back and forth between the two as freely as it does now between the great States of Pennsylvania and New York, it may be that it would be a good thing for both countries, considering the situation and cost of production in each, and that each "would find in loss a gain to match"; but Canada herself makes that impossible. It is her firmly adopted policy to build up her own manufacturing industries under a protective tariff, and we can not persuade her to change that policy. The proposed trade agreement is the limit beyond which she will not go on her side. If we enact this law as proposed, without amendment, it will give to Canada free admission into the markets of the United States for her farm products without a sufficient "quid pro quo" to our people as a whole.

She will have secured what she wants without giving up anything in return. Having obtained that, she will not advance one step nearer.

So we must face this proposed law as the limit beyond which she will firmly decline to pass, unless we insist upon amending it now.

The main question for us to decide, then, is: Shall we accept this bill unchanged and admit the farm products of Canada into the United States free of duty, leaving a duty upon what the President calls "secondary food products, or foodstuffs partly manufactured"; a tariff to remain on lumber, except rough boards, and each of the Canadian Provinces reserving the right to impose export duties on wood pulp, pulp wood, and news print paper; a tariff to remain on manufactured products generally when imported by one of the countries from the other?

Mr. President, I can not give my assent to this proposal, because, in the first place, I do not believe it will promote the general welfare of the people of the United States; in the second place, it will, in my judgment, do irreparable harm to agriculture, which is our greatest industry.

The proposed law is, in effect, a declaration that we intend no longer to depend upon the cultivation of our own soil and the industry of the American farmer for our food supplies, and that agriculture in the United States is no longer to hold its imperial place at the head of our great industries, but is henceforth to be treated as a pursuit of lesser importance among American people, because from this time on we shall look beyond these American farms into foreign lands and we shall invite the whole world, upon equal terms, to compete with the American farmer in his own market place. In the third place, the law, as proposed, gives an unfair advantage to and an unjust discrimination in favor of certain trusts in the United States without giving any relief to the consumer from the burden of the cost of living, against which he bitterly complains.

The policy of this legislation is to recognize the people of the United States, not as a people engaged in agriculture, manufactures, and commerce, with the dominating influence in agricultural pursuits and in rural communities, but an urban people engaged in manufacturing and commercial pursuits, with its dominating and formative national tendencies in the great cities and congested centers; a people who shun the country as a place of solitude and loneliness and the tiller of the soil as a vanishing type, who will disappear from the land in a few more generations. This proposed law not only recognizes this tendency, but will accentuate it ten thousand fold.

Mr. President, we are seemingly unaware of the remarkable influx of humanity that is swiftly changing the entire current of our national life. What a vast difference between the conditions which prevail in a farming community in the West, several hundred miles distant from a city, and the conditions of life in the East Side, in the Bronx, or in lower Manhattan, in the great city of New York.

I have examined with great interest the report of the New York City commission on "Congestion of population," made on the 28th day of February last, in which it quotes the following, written in 1905 by Mr. Lawrence Veiller, a well-known housing expert:

No conception of the existing conditions can be obtained from any general statements. To say that the lower East Side of New York is the most densely populated spot in the habitable globe gives no adequate idea of the real conditions. To say that in one section of the city the



density of the population is 1,000 to the acre; and that the greatest density of population in the most densely populated part of Bombay is but 759 to the acre; in Prague, 485 to the acre; in Paris, 434; in London, 365; in Glasgow, 350; in Calcutta, 204, gives one no adequate realization of the state of affairs. No more does it to say that in many city blocks on the East Side there is often a population of from 2,000 to 3,000 persons, a population equal to that of a good-sized village.

The only way that one can understand the real conditions is to go down into the streets of these districts and see the thousands of persons thronging there and making them impassable. So congested have become the conditions of some of the quarters of this city that it is not an exaggeration to say that there are more people living there than the land or the atmosphere can safely sustain. The limits have not only been reached, but have long been passed.

The New York City commission to which I have referred also quotes the following from a book published last year by Mr. Veiller, called "The housing problem," in which the author charges that—

The conditions of New York are without parallel in the civilized world. In no city in Europe, not in Naples nor in Rome, neither in London nor in Paris, neither in Berlin nor Budapest, not in Constantinople nor in St. Petersburg, not in ancient Edinburgh nor modern Glasgow, not in heathen Canton nor Bombay are to be found such conditions as prevail in modern, enlightened, twentieth-century, Christian New York.

In no other city is the mass of the working population housed as it is in New York, in tall tenement houses extending up into the air 50 or 60 feet and stretching for miles in every direction as far as the eye can reach.

In no other city are there the same appalling conditions with regard to lack of light and air in the homes of the poor. In no other city is there so great congestion and overcrowding. In no other city do the poor so suffer from excessive rents. In no other city are the conditions of city life so complex. Nowhere are the evils of modern life so varied. Nowhere are the problems so difficult of solution.

This commission, appointed under the administration of Mayor Gaynor, reports that the congestion so scathingly arraigned by Mr. Veiller in 1905 is growing worse and is still increasing in the sections of the city which had even in that year the greatest density of population per acre. While the commission was preparing its report, a building of 55 stories was planned for lower Manhattan, and yet the commission reports that in a six-story tenement, under existing laws, it is possible that only one room out of four will obtain an adequate supply of sunshine, and that it is possible to cover an entire plot of land adjacent to such a tenement house by a factory or warehouse of almost any height; that in this way a tenement house may be deprived not only of light, but of ventilation, for the yards or shafts become closed ducts. It reports that in certain blocks in the Borough of Manhattan no thorough ventilation can be had by reason of the fact that these various buildings surround the tenement house. The congestion is growing worse. In the block in Manhattan bounded by Grand, Broome, Ridge, and Pitt Streets the population increased from 1,845 to 2,552 from 1905 to 1910, an increase in that one block of 709. In that district there was an increase from 910 per acre to 1,260 per acre. The commission goes on to say:

A study of the changes in density of population from 1905 to 1910 of 28 important blocks in the lower part of the Bronx which had in 1905 a population of 1,000 or over is even more significant, because near many of these blocks are others practically unimproved, and within walking distance of some are scores of acres of vacant lands.

In these crowded tenements parents, children, and from three to eight adult boarders are often found occupying apartments of two, three, and four rooms.

In 122 blocks in Manhattan, which in 1905 had a density of over 750 people per acre, 65 per cent were foreign born, the Italians and Russians predominating. In 1905 the foreign-born population of Manhattan Borough was 890,142, and 23 per cent of these were domiciled in blocks having a density of over 750 per acre, while only 9 per cent of American-born people were living under like conditions. South of Fourteenth Street, on the East Side, the native-born population from 1900 to 1905 increased less than 4 per cent, while the foreign born increased nearly 20 per cent. There were many other districts where the number of native born in 1905 was actually less than in 1900. The tenement house commissioners report that to provide a good standard of housing for unskilled wage earners in New York City the maximum value of the land occupied by a tenement should not exceed 50 cents per square foot, but that in 1908 the assessed value of land per square foot occupied by the congested blocks of lower Manhattan ranged from \$2.74 to \$16, and in most of these blocks exceeded \$10 per square foot. They find that a large part of the juvenile delinquencies, which are so serious in these congested districts, is directly traceable to the congested conditions of population among a large portion of the families from which the delinquents come.

Mr. Ernest K. Coulter, clerk of the children's court of New York County, told the commissioners that congestion is responsible for a vast number of the cases that come into the children's court of New York City. He said:

Environment counts nine-tenths in the whole proposition of juvenile delinquency.

He gave many instances of the results of room overcrowding, and claimed that children often come to feel that they are not wanted in their so-called homes, and that they are really forced to the streets. He says that the most skillful pickpockets in New York City are children from these places, and that their ranks are constantly being recruited from the districts where there is the greatest congestion.

Hon. William McAdoo, chief city magistrate, gave the following as his observation:

I think there can be no question but what the connection between congestion of population, especially in that form which it takes in the tenement houses, and crime and delinquency is very marked.

The crowded living conditions in these small rooms, lack of personal privacy, and separation of the sexes must, in the very nature of things, beget conditions which conduce to immorality and the lack of self-respect. I think that the poor family in the country, however impoverished, has a much better chance of bringing up the children to lead clean moral lives and be less sophisticated as to vice than children brought up in the congested quarters of the city. For instance, said he, I recently visited what are called the "agricultural slums" in the congested districts of Ireland, in a mountainous and very healthy country, where the indoor life is cramped and poverty obvious, but where the outdoor life is very healthful and the climate moderate and even the moral and religious atmosphere excellent; and I should hesitate, if it had been left to me to transplant these people to the crowded tenements of the East Side, even if they got more food and better clothing than they did in the old country. The percentage of crime amongst these people in the old land is so low as to be scarcely perceptible, and they lead clean, moral lives, stimulated under adverse conditions by high spiritual exaltation and deep reverence.

The tenement commissioners find that one of the principal causes of this congestion is poverty; another, lack of control over aliens and citizens; another, high price of land in the city.

Shall we now accentuate the evil by adopting a national policy of discrimination against the American farm, thus encouraging the tendency to smother the life of our race in these congested centers?

Mr. REED. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER (Mr. Root in the chair). Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. Certainly.

Mr. REED. If the people of New York City are in the desperate condition pictured, does the Senator think that we can aid them by increasing the price of farm products by taxation?

Mr. CRAWFORD. We certainly can stop country people from flocking to the cities if we make it possible for them to make a living on their farms. I shall later elaborate on that a little further.

Mr. REED. I understood the Senator to say that those people were nearly all coming, not from farms in the Dakotas and Iowa, but from foreign countries.

Mr. CRAWFORD. In those particular localities. I do not wish the Senator to understand me that that is a situation which would apply, so far as the farm element is concerned, to all cities, his own, for instance. I shall, as I proceed, make that clear.

The positive menace this abnormal congestion of our population is to the public welfare was the subject of a conference held in New York in 1908. The little group of humanitarians who had been fighting bad housing, tuberculosis, insufficient schools, dearth of parks and playgrounds, ill health, accidents, and juvenile crimes concluded that the only cure for the evils of congestion is the abolition of congestion. A writer, giving an account of that meeting in the *Charities and the Commons* of April 4, 1908, says:

Within 19 miles of City Hall a population numbering 5,404,638 human souls lives and works. If the increase continues at the same pace as during the last 50 years, there will reside in Greater New York alone, in the year 1950, 25,000,000 souls. Such figures would be appalling enough if the population were distributed over the whole city area, but it is packed upon a small part of the area. Eleven New York blocks have a density of 1,200 per acre, which means that if the whole of little Delaware were similarly crowded it could contain the entire population of the world—white, black, yellow, and red.

But these conditions are not confined to New York City. In *Charities and the Commons* for May 9, 1908, Jacob A. Riis writes thus about the city of St. Louis:

Hear the report of the housing committee of the Civic League just made. It deals with that district between Seventh and Fourteenth Streets, Lucas Avenue, and O'Fallon Streets, comprising 48 blocks, where the poor live in neglected rear tenements, sometimes two, and in one case three, upon the same lot beside the front of the house. The lower rooms of these houses might, for all the sunlight they receive, be at the bottom of a well. Dilapidation, misery, and dirt reach their depths in the rear buildings. People who live in them are poorer, more sickly, less cleanly, and generally of a lower standard in every way.

Mr. President, I could go on indefinitely and present similar pictures showing similar conditions of congestion in Chicago, Philadelphia, Pittsburg, and other American cities, but I have presented enough to call attention to what, it appears to me,



is most unwise in this proposed change in our national attitude toward the American farmer, and that is this:

It will inevitably accentuate the tendency to leave the country and crowd into these cities, which are already too large, and it will depress and discourage the farming industry of the United States. Why was it necessary to raise any question of doubt on the part of the Government as to the ability of the American farmer to supply the domestic demands of his own country for farm products, and why was it necessary to create in his mind an apprehension that his occupation will be attended in the future with greater risk and uncertainty than before, because his competitors, living in another land and giving adhesion to another flag, are invited by his Government to bring the competing products of their soils into this market which he has created, and, without the payment of even a duty for revenue, allowed to compete against him in the land of his own domicile?

The Agricultural Yearbook for 1909 shows a condition of agriculture in the United States that should not be threatened by the passage of this proposed Canadian free trade in farm products. In it we are told by the Secretary of Agriculture, Mr. Wilson, that—

The value of the farm products is so incomprehensibly large that it has become merely a row of figures. For this year it is \$8,760,000,000; the gain of this year over the preceding year is \$869,000,000. Ten years ago the value of the product of the farm was only five and one-half times the mere gain of this year over 1908; it was little more than one-half of the total value of this year. It has advanced year by year during the last 11 years. It has paid off mortgages; it has established banks; it has made better homes; it has helped to make the farmer a citizen of the world; it has provided him with means for improving his soil and making it more productive.

There is no evidence in this Yearbook that the farms of the United States are rapidly approaching a time when they will not be able to provide enough food products to meet the demands of our own people or when we shall be obliged to go into the markets of the world to buy our bread and meat.

The corn crop this year was greater than the average crop of the five preceding years by  $3\frac{1}{2}$  per cent. We raised 2,767,000,000 bushels of corn in 1909. We had the largest wheat crop in six years with two exceptions. We raised a crop of 725,000,000 bushels of wheat in 1909. We raised 64,000,000 tons of hay, nearly 3 per cent more than the average for the five preceding years; 984,000,000 bushels of oats, 12 per cent more than the average of the five preceding years; 165,000,000 bushels of barley, 6 per cent more than the average of the five preceding years; 367,000,000 bushels of potatoes, 24 per cent more than the average of the five preceding years; also 25,767,000 bushels of flaxseed and 31,000,000 bushels of rye, which was a full average yield in each case.

The total crop of all cereals was 9,711,000,000 bushels in 1909, which was  $6\frac{1}{2}$  per cent higher than the average of the preceding five years. Production is not falling off, but increasing. The values both of the farms and their products are substantial and are based upon the natural law of supply and demand. Each farmer is an independent unit. He possesses no wealth created out of monopoly or by issuing watered stock. He is not a part of any combination in restraint of trade. He is not in a trust. He is one among about 12,000,000 others in the United States, constituting more than one-third of the 35,000,000 men engaged in so-called gainful occupations, but he is in no labor union. He is a creator of wealth and a builder of homes. Once only has he combined with others of his class to secure a fair price for his product. The Kentucky tobacco farmer did that. He combined to defend himself against the oppression of the Tobacco Trust. It is said that the grower of a certain kind of tobacco, who had been obliged to sell his crop for 7 cents a pound, found that the trust used it in manufacturing what was known as Star Plug, and when this farmer sought to buy Star Plug he had to pay 60 cents a pound for it. Where was the difference? It was due to the sins of monopoly and overcapitalization. So these tobacco farmers took notice of the Tobacco Trust. He became a night rider. This wide difference in price was the profits on the water in the trust stocks. He found that out. But, Mr. President, the enormous wealth which the farmer has created is without any of this alloy. He has never yet failed to supply the people of his own country with food. There is no ground for fear that he can not continue to do so for many, many years to come, unless his own Government by unjust discrimination disheartens him and destroys the incentive that has been his inspiration in all the struggles of past years.

Mr. James J. Hill, who is just now working for the Great Northern Railroad Co. rather than the American farmer, and who is a deep student of scientific methods of agriculture, says:

An industrious, fairly intelligent, and exceedingly comfortable agricultural community can raise from the soil food enough for the needs of 490 persons to the square mile. Adopting that ratio, the 414,498,487 acres of improved lands in the United States on the date of the last

official record—an area materially enlarged by the present time—would support in comfort 317,350,405 people, enabling them at the same time to raise considerable food for export and to engage in necessary manufacturing employments.

But this will never come to pass if the bars are to be thrown down and the doctrine of laissez-faire followed as to the American farmer alone. Unrestrained competition with foreign peoples will tempt our farmer to follow the lines of least resistance and to reap what he can for the day's needs only.

Such a policy holds out to him no hope for the future.

It will increase the number of abandoned farms, encourage soil waste and neglect, and mark the beginning of the end of the American farmer in many lines of food production.

Mr. MARTINE of New Jersey. Mr. President, will the Senator permit a question?

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from New Jersey?

Mr. CRAWFORD. Certainly.

Mr. MARTINE of New Jersey. I should like to ask the Senator whether abandoned farms have not been brought about under the system of Republican high protection? Previous to Republican high protection, did we ever hear of abandoned farms? Yet throughout New England—not in the far Dakotas, but throughout New England—farm after farm is to-day abandoned under the iniquitous system of your so-called high protection.

Mr. CRAWFORD. If the Senator from New Jersey will be patient, I will discuss that, and I will show that under the present tariff on farm products and under present conditions, whatever abuses there may be, there has been a falling off in the number of abandoned farms even in New England, and we want to let the progress we are now making go on.

Mr. MARTINE of New Jersey. That has been largely due to immigration and not to the iniquitous system that has burdened the farmer.

Mr. CRAWFORD. I do not agree with the Senator in his claim that it is because of immigration. It is because farming has become profitable, and as long as farming can be kept profitable the number of your abandoned farms will continue to decrease.

Mr. MARTINE of New Jersey. One moment. May I ask the Senator from South Dakota a question?

Mr. CRAWFORD. Certainly.

Mr. MARTINE of New Jersey. I want to ask under what administration and what public policy this horrid system of congestion takes place in the great city of New York.

Mr. CRAWFORD. It is one of the—

Mr. MARTINE of New Jersey. I want to ask under what system and under what administrative policy this horrid condition that is pictured in the eloquent address of the Senator took place? Was it under Republican policy or some other policy? Answer, please; answer.

Mr. CRAWFORD. We had in my recollection, as young as I am, about four years of Democratic rule, and I do not remember that the conditions were alleviated one particle during that period.

Mr. MARTINE of New Jersey. You have not alleviated them in 10 times four years.

Mr. CRAWFORD. I say this will never come to pass if the bars are thrown down and the products of the alien farmers admitted upon an equal basis with our own. Speaking of abandoned farms, Secretary Wilson, in the Yearbook for 1909, says:

The United States has been developing for agricultural purposes an area as large as the whole of Europe, while its population is but little larger than that of any of the several European countries.

So much has fashion and sentiment had to do with this agricultural development that many of the lands, particularly in the Eastern States, have been practically abandoned, so far as profitable agricultural use is concerned, by the shifting and moving of our agricultural population into new regions in which lands are purported to be cheaper and in which the advertised inducements have been proportionately large. With the rapid extension also of our industrial life and the opportunities offered in the past in business and in the professions, the cities have called upon the country for clear brains and vigorous bodies to such an extent that large areas have become so depopulated of active, vigorous minds and bodies that the stock is insufficient to repopulate the country districts. The result is that some of the most fertile lands in our Eastern States, some of the most fertile lands in the world, have been left in a condition of practical, if not actual abandonment, and the prices of provisions have increased for the simple reason that there are not enough people to actually work the soils and raise the crops necessary to feed the nonproducing population of the cities. The great problem which faces American agriculture to-day is the problem of the proper utilization of our soils and the development of our agricultural interests in spite of and in face of the allurements of the cities and the commercial and industrial vocations. It has now become as serious a problem to settle up our Eastern States as it has been in the past to settle the West. The first problem of all is to devise means of resettling the lands which have in recent years been neglected through the mistaken idea that they have been exhausted, but which can be brought back to an increasing production through a change in farm management and the infusion of new and active blood into the rural communities.



I think every patriotic citizen of the United States will readily assent to what Secretary Wilson says; but is it not very inconsistent, in face of the conditions he describes, to enter upon a national policy that will make these abandoned lands less attractive and that will accelerate emigration out of our own country and give new and increased value to farm lands beyond our borders? We have heard much in recent years about the conservation of our natural resources. In 1908, while I was governor of the State I now have the honor in part to represent, I attended a notable conference of the governors of the States of the Union, which met upon the invitation of the President, who at that time was Mr. Roosevelt. In a most remarkable address delivered at that conference Mr. James J. Hill discussed the necessity of conserving our soils. He said:

There are two ways in which the productive power of the earth is lessened: First, by erosion and the sweeping away of the fertile surface into streams and thence to the sea; and, second, by exhaustion through wrong methods of cultivation. The former process has gone far. Thousands of acres in the East and South have been made unfit for tillage. Far more ruinous is the process of soil exhaustion. It is creeping over the land from East to West. The abandoned farms that are now the playthings of the cities' rich, or the game preserves of the patrons of sport, bear witness to the melancholy change. New Hampshire, Vermont, northern New York show long lists of them. \* \* \* When prices of farms should rise by increase of population in many cases they are falling. Between 1880 and 1900 the land values of Ohio shrank \$60,000,000. Official investigation of two counties in central New York disclosed a condition of agricultural decay. In one land was for sale for about the cost of improvement, and 150 vacant houses were counted in a limited area. In the other population in 1905 was nearly 4,000 less than it was in 1855.

And, yet, he continues:

We might expand our resources and add billions of dollars to our national wealth by conserving soil resources \* \* \* for there is good authority for the assertion that a farmer could take more from the same area of ground in four years' grain crop than seven now gives him, leaving the product of the other three years, when the land rested from grain, as a clear profit due to better methods. \* \* \* Nearly 36 per cent of our people are engaged directly in agriculture; but all the rest depend upon it. In the last analysis commerce, manufactures, our home market, every form of activity, run back to the bounty of the earth by which every worker, skilled and unskilled, must be fed and by which his wages are ultimately paid. \* \* \* Of our farm area only one-half is improved. It does not produce one-half of what it could be made to yield—not by some complex system of intensive culture, but merely by ordinary care and industry intelligently applied.

Placing the farmer of the United States upon a free-trade basis, so far as the vast and undeveloped empire of Canada is concerned, while leaving him no choice in the purchase of manufactured products, except to buy them in a protected market, will not help this situation. It will make a bad matter far worse, which, on the other hand, is rapidly curing itself. The American farmer has slowly forced his way across a vast continent. Each generation has opened a new empire of virgin soil which has, in a way, become a competitor of the older section of which it became an offshoot, but the process has gone on under full and complete free-trade relations between the States embracing all subjects of interstate commerce, and the new country has been formed into States, from time to time coming into the Union, being a part of the same people, owing allegiance to one Nation, all contributing alike to its support. In time the advantages and disadvantages have balanced each other; a loss in one thing has been offset by gain in another. During the past 10 years agriculture has been improving in the East as well as in the West, and land values have been moving upward there as elsewhere. Why should this splendid advance be now disturbed by an unfair proposal of the Canadian farmer, who assumes no burden of this Government, but owes allegiance to another, which refuses to abandon the protective tariff upon those manufactured articles which the American farmer does not sell but which he is obliged to buy?

Mr. Mark A. Carleton, who has been in charge of grain investigation in the Bureau of Plant Industry, calls attention to the fact that the total land area of the United States is nearly 2,000,000,000 acres. In 1900 less than half of this area was included in farms, only about one-fifth of the farm area was improved, and of the area improved less than 3 per cent was devoted to wheat culture. In 1850 our total improved farm acreage was 113,032,614 acres; in 1900, 414,498,487 acres. In 1866 our total acreage of wheat was 15,424,496 acres; in 1900, 41,971,000 acres, only 4 per cent of our total farm acreage. As a matter of fact, Mr. Carleton says the yield of wheat per acre in the United States is not decreasing, but has, on the contrary, increased. He gives 10-year averages of yield per acre in this country, from 1866 to 1905, as follows:

|           | Bushels. |
|-----------|----------|
| 1866-1875 | 11.9     |
| 1876-1885 | 12.3     |
| 1886-1895 | 12.7     |
| 1896-1905 | 13.5     |

At the same time he shows that the consumption of wheat by our people per capita has been materially increasing, as follows:

|      | Bushels. |
|------|----------|
| 1870 | 5.02     |
| 1880 | 5.52     |
| 1890 | 5.49     |
| 1900 | 5.11     |
| 1906 | 6.39     |
| 1908 | 6.34     |

He shows that we have sufficient land adapted to wheat raising for all our domestic needs for 50 years to come; that we have at least 80,000,000 acres of farm land adapted to this purpose.

Let American farmers be encouraged to cultivate this wheat land and raise this wheat. It will not increase the price of bread, but it will strengthen our rural population and increase the prosperity of the American farmer. Germany protects her agriculture. England maintains free trade in farm products. James J. Hill, in his book, *Highways of Progress*, thus compares the two countries:

How to meet German competition is to-day the study of every intelligent leader of industry and every cabinet on the Continent of Europe. \* \* \* Agricultural industry has not been slighted. Behold a contrast that throws light upon the idle host of England's unemployed, marching despondently through the streets whose shop windows are crowded with wares of German make. Between 1875 and 1900, in Great Britain, 2,691,428 acres, which were under cereals, and 755,255 acres which were under green crops, went out of cultivation. In Germany during the same period the cultivated area grew from 22,840,950 to 23,971,573 hectares, an increase of 5 per cent.

Mr. Hill also significantly remarks:

Agriculture in England has suffered in the last 25 years by the opening of new land in America and the cheapening of the world's transportation.

And our new Tariff Board, as one of the results of its recent investigation of land values in Canada, makes the following comment (p. 84) in regard to the value of farm lands in Ontario:

Ontario, while reporting the highest Canadian land value, shows the lowest Canadian rate of increase. It is worthy to note that Ontario is feeling the competition of western Canada, just as some years ago the eastern part of the United States felt the competition of our western lands.

This process of restoring worn-out lands and maintaining the productivity of the soil involves a vast expenditure each year for fertilizers. The Canadian farmer, sowing spring wheat upon the virgin soil in Alberta and Saskatchewan, can raise a good yield without using any fertilizers at all.

According to the report of the Tariff Board (p. 94), the average yield of spring wheat per acre in 1910 in the United States was 11.7 bushels; in Canada, 15.53 bushels. Of winter wheat the yield per acre was 15.8 bushels; in Canada, 23.49 bushels. A much heavier yield per acre in Canada upon much cheaper priced land. Besides I find from the advance sheets of the census of 1910, covering 29 States and the District of Columbia, being Northern and New England and Western States, but including also Maryland and West Virginia—and all being States which raise either spring or winter wheat—that these States in 1900 paid \$26,062,000 for fertilizers and in 1910 \$40,409,000 for fertilizers, an increase in that item of expense alone of 51 per cent.

Mr. MARTINE of New Jersey. Will the Senator permit me a word here?

Mr. CRAWFORD. Yes. I do not care for extended remarks, though.

Mr. MARTINE of New Jersey. No; I shall not make any. But fertilizer, of which the Senator speaks, is a prime necessity in this country and growing more and more so each year. Then I ask, if the Senator's heart beats so fondly for the farmer, why is it that in your tariff scheme you have not relieved fertilizer from the iniquitous tax which is a burden? Kainit, German salts, which is the basis of fertilizer, and the other fertilizers—

Mr. CRAWFORD. I am afraid the Senator from New Jersey is making a speech.

Mr. MARTINE of New Jersey. And the other fertilizers that are controlled by the great Standard Oil Co. are all on the tariff list. So, if the Senator believes that which he speaks, lift the burden and let us have that fertilizer free, so that we need not ask odds of Canada or any other country.

Mr. CRAWFORD. As to my sincerity, I can not help the Senator's incredulity, but this very much accursed Payne tariff law did take the tariff off of sulphate of ammonia, and our southern brethren were all demanding it, because it went into fertilizer. We did something, after all.



In 1900 these States paid the sum of \$245,413,000 cash for labor upon farms, and in 1910 \$432,481,000, an increase of 76 per cent. During these 10 years the number of farms in Colorado increased 86 per cent; Idaho, 76 per cent; Montana, 94 per cent; Nevada, 22 per cent; North Dakota, 64 per cent; Oregon, 26 per cent; South Dakota, 47 per cent; Washington, 68 per cent; Nebraska, 6 per cent; Kansas, 2 per cent, while there was a slight decrease in the number of farms in Connecticut, Illinois, Indiana, Iowa, Massachusetts, Missouri, New Hampshire, New Jersey, Pennsylvania, Rhode Island, Vermont, and Ohio, and a slight increase in Maine, Maryland, and West Virginia. The average increase in the number of farms in the United States during the period is 13.5 per cent.

The cash value of the agricultural implements upon the farms in this great group of States was \$556,035,000 in 1900, and in 1910 it was \$938,902,000, an increase of 50.7 per cent. There was a substantial increase in the value of the farming implements on the farms in each of these States. As great as 217 per cent in Idaho, 212 per cent in North Dakota, 187 per cent in Montana, 176 per cent in South Dakota, 166 per cent in Washington, 81 per cent in Wisconsin, 78 per cent in Missouri, 74 per cent in Minnesota, 65 per cent in Iowa, 73 per cent in Michigan, 77 per cent in Nebraska, 64 per cent in Kansas, 62 per cent in Ohio, 39 per cent in Pennsylvania, and 49 per cent in New York. And all these implements came from the highly protected manufactories of the United States. Besides opening up new farms, paying out millions and millions of dollars for fertilizers, and for farm labor, and for farm implements, the American farmer during the past 10 years has been erecting new farm buildings and improving the old ones.

The census returns just out for 1910 show an enormous increase in the value of buildings on the farms in this group of States during the 10 years from 1900 to 1910. In Colorado that increase was 183 per cent; in Connecticut, 45 per cent; in Idaho, 267 per cent; in Illinois, 71 per cent; in Indiana, 89 per cent; in Iowa, 89 per cent; in Kansas, 79 per cent; in Maine, 54 per cent; in Maryland, 42 per cent; in Massachusetts, 22 per cent; in Michigan, 79 per cent; in Minnesota, 120 per cent; in Missouri, 81 per cent; in Montana, 164 per cent; in Nebraska, 118 per cent; in New Hampshire, 23 per cent; in New York, 40 per cent; in North Dakota, 262 per cent; in Oregon, 127 per cent; in Pennsylvania, 26 per cent; in Rhode Island, 30 per cent; in South Dakota, 231 per cent; in Vermont, 45 per cent; in West Virginia, 67 per cent; in Wisconsin, 85 per cent; in Washington, 233 per cent; in Ohio, 67 per cent.

There has been a remarkable increase in the value of farm lands in the United States, and it has not been confined to any locality. It has occurred in New England and the East as well as in the Central West and Northwest. This increase indicates that the attention of the people is turning again to the country and to farm lands.

Mr. President, how fatal would be the mistake should we now check this tendency to "go back to the American farm" by inviting an era of free trade in farm products with Canada. During the 10 years from 1900 to 1910, according to the census returns for 29 States, the total value of farm land alone increased as follows:

Colorado, 300 per cent; Idaho, 518 per cent; Illinois, 106 per cent; Connecticut, 36 per cent; Indiana, 93 per cent; Iowa, 122 per cent; Kansas, 188 per cent; Maine, 74 per cent; Maryland, 35 per cent; Massachusetts, 32 per cent; Michigan, 45 per cent; Minnesota, 82 per cent; Missouri, 104 per cent; Montana, 394 per cent; Nebraska, 231 per cent; Nevada, 163 per cent; New Hampshire, 25 per cent; New Jersey, 31 per cent; New York, 28 per cent; North Dakota, 321 per cent; Oregon, 262 per cent; Pennsylvania, 9 per cent; Rhode Island, 11 per cent; South Dakota, 376 per cent; Vermont, 27 per cent; West Virginia, 53 per cent; Wisconsin, 71 per cent; Washington, 419 per cent; Ohio, 57 per cent.

But should we have free trade in farm products with Canada, our chief rival in the production of cereal grains would be the farmers of Ontario, Manitoba, Saskatchewan, and Alberta, and we would be at a disadvantage.

Land in Wisconsin worth \$57 per acre, in Michigan worth \$46 per acre, in Iowa worth \$109 per acre, in Minnesota worth \$46 per acre, in North and South Dakota worth \$40 per acre, yielding an average of 11.7 bushels of spring wheat to the acre and 15.8 bushels of winter wheat to the acre, must compete with land in Manitoba worth \$29 per acre, in Saskatchewan worth \$22 per acre, in Alberta worth \$20 per acre, yielding 15.53 bushels of spring wheat and 23.49 bushels of winter wheat per acre, with the barley average yield per acre 24.6 bushels in Canada and 22.4 bushels in the United States; flaxseed, 4.8 bushels in

the United States and 7.97 bushels in Canada; oats, 31.9 bushels per acre in the United States and 32.79 bushels in Canada; hay, 1.33 tons per acre in the United States and 1.82 tons per acre in Canada; and the average yearly wage of farm hands in Canada \$250 to \$300, as against \$300 to \$360 per year in Minnesota and the Dakotas. With the tariff on farm products coming into this market from Canada entirely removed, the farmer in Iowa, who owns 160 acres of land worth \$100 per acre, could sell it, take the \$16,000, and buy 800 acres of land in Alberta—just five times the quantity he had before, each acre of which will yield more wheat, oats, barley, or flaxseed than an acre of Iowa land.

Mr. HITCHCOCK. Mr. President, I should like to ask the Senator a question.

Mr. CRAWFORD. I wish the Senator would let me finish this sentence, so as not to have it broken in two, and then I will yield. I am speaking about the farms of the West, and I would like to have the Senator listen to it. I say the farmer in Iowa who owns 160 acres of land worth \$100 per acre could sell it, take the \$16,000, and buy 800 acres of land in Alberta—just five times the quantity he had before—each acre of which will yield more wheat, oats, barley, or flaxseed than an acre of Iowa land, or of Wisconsin, Minnesota, or Dakota land, as the case may be. Is it not perfectly plain that the result will be a depression in the values of Iowa, Dakota, Minnesota, and Wisconsin land and a great boom for the Canadian farmer at the expense of the American farmer?

I now yield to the Senator from Nebraska.

Mr. HITCHCOCK. The Senator from South Dakota has just called attention to the fact that land in Iowa is worth \$100 per acre and in South Dakota \$46 per acre. I should like to ask him whether the growing of wheat in South Dakota on land worth \$46 an acre has proved a disastrous competition to the growing of wheat in Iowa on land worth \$100 an acre?

Mr. CRAWFORD. I do not think so; but—

Mr. HITCHCOCK. Then, I should like to ask the Senator how it is going to prove a disaster to this country to have Canadian wheat come in grown on their cheaper land, so that it will compete with the wheat grown on the land of Iowa or of South Dakota or of Nebraska, the price of which varies greatly?

Mr. CRAWFORD. The Senator lives in the State of Nebraska and he certainly knows that in the State of Nebraska, in the State of Iowa, in the State of Illinois the chief product is corn—corn, cattle, and hogs—and those States do not come in contact with Canada as the Dakotas and Minnesota, because we are cereal-growing States while they are not.

Mr. HITCHCOCK. I want to say to the Senator that Nebraska grows many million dollars' worth of wheat every year and has not felt that the competition with South Dakota on her cheaper lands is at all disastrous. I want to say that wheat land in the United States varies enormously in value; that it varies more in value in the different States than the land in South Dakota varies from the land in Canada.

Mr. CRAWFORD. I have discussed that. There is a self-adjustment, a give and take, a loss and gain, an equilibrium, and we are perfectly satisfied with it where we are all bearing the same burdens, giving allegiance to the same Government, acting in loyalty to the same system. It is true that it has many, many times depreciated the value of our lands. I remember when my people lived in central Ohio 30 years ago they thought their land was worth \$100 an acre and it went down to \$25 an acre, because they could not compete with the great empire of the West that developed as it did; but it afterwards regained its value; it was all in the United States, and adjusted itself.

Mr. HITCHCOCK. I want to call the attention of the Senator from South Dakota to the fact that at the very time the new State of Oklahoma was being opened to settlement hundreds of thousands of acres of land were being thrown into corn cultivation, and at the same time the corn land of Iowa and Nebraska and Kansas had their greatest advance in value and did not appear to suffer from that competition.

Mr. CRAWFORD. I am not so sure about that.

Mr. HITCHCOCK. I am.

Mr. CRAWFORD. I remember that they used to talk about burning corn for fuel in Iowa.

Mr. HITCHCOCK. That was before the days when Oklahoma was opened to corn cultivation.

Mr. CRAWFORD. I am not prepared to question the Senator in that respect. If you throw the bars down, you are going to drop our price and you are going to raise theirs until they reach a level. There is no escape from that conclusion.



What is called the "farm price per bushel" of cereals by the Tariff Board was uniformly higher in 1910 in the United States than in Canada, as the following list shows:

| Wheat:       | Per bushel. |
|--------------|-------------|
| New York     | \$0.96      |
| Indiana      | .87         |
| Illinois     | .88         |
| Michigan     | .89         |
| Wisconsin    | .92         |
| Minnesota    | .94         |
| Iowa         | .85         |
| Missouri     | .87         |
| North Dakota | .90         |
| South Dakota | .89         |
| Montana      | .86         |
| Kansas       | .84         |
| Saskatchewan | .65         |
| Manitoba     | .80         |
| Ontario      | .88         |
| Flaxseed:    |             |
| New York     | 2.20        |
| Wisconsin    | 2.20        |
| Minnesota    | 2.30        |
| Iowa         | 2.20        |
| Missouri     | 2.10        |
| North Dakota | 2.35        |
| South Dakota | 2.29        |
| Nebraska     | 2.25        |
| Kansas       | 2.10        |
| Montana      | 2.40        |
| Manitoba     | 2.09        |
| Saskatchewan | 2.08        |
| Alberta      | 1.87        |

The average yield of oats per acre in Canada in 1910 was 32.79 bushels. In the United States it was 31.9 bushels. Its farm value per bushel was 32 cents in Alberta, 28½ cents in Saskatchewan, 21 cents in Manitoba, and 36 cents in Ontario. Its farm price per bushel in Montana was 46 cents; North Dakota, 37 cents; Minnesota, 32 cents; Michigan, 35 cents; New York, 42 cents.

The barley farmer has received an object lesson in regard to the effect upon the price of his barley by removing the tariff from Canadian barley, which he will not soon forget.

The great barley Provinces of Canada are Ontario and Manitoba. The average yield in Ontario is 4 bushels above that of Wisconsin, 8 bushels above that of Minnesota, 1 bushel above that of New York, and less than 1 bushel above that of Iowa. The highest farm prices per bushel—77 cents and 76 cents—are reported from New Hampshire, Maine, and Nova Scotia. The lowest farm prices per bushel—36 cents, 38 cents, and 39 cents—are reported from Saskatchewan, Alberta, and Manitoba, respectively.

There are two well-defined barley-growing regions in Canada, Ontario and the eastern Provinces, and western Canada. Eastern Canada, including Ontario, has long been noted as one of the finest barley-growing regions in the world, and before the present duty was placed upon it large quantities of this Ontario barley were malted in the United States. But Ontario has steadily declined in the production of high-grade malting barley. Next to Ontario in importance as a barley-producing Province comes Manitoba, but for a number of years barley production in Manitoba has been practically stationary.

Since 1905 some barley has been grown farther to the west, in Saskatchewan and Alberta. The soil and climate of western Canada are so favorable that its barley is sold at a premium in English markets, but under present conditions greater profit is apparently found in other crops.

While their barley enterprise has been standing still our farmers have been making money out of it. Now you want to tear the bars down and give the benefit of it to whom? To the Brewers' Trust.

As shown by Table 15 in the report of the Tariff Board, page 99, Minnesota is the heaviest producer of barley near the Canadian border, her crop in 1910 being nearly 27,000,000 bushels. Wisconsin comes next with 22,429,000 bushels; South Dakota is third with 18,655,000 bushels; North Dakota is fourth with 15,045,000 bushels.

Of the Canadian Provinces, Ontario is the largest producer. In 1910 her total yield was 20,727,000 bushels. Manitoba came next with 13,826,000 bushels. The average yield per acre in the United States was 22.4 bushels; in Canada 24.62 bushels. In Ontario the farm price is 53 cents per bushel, and in Manitoba 39 cents per bushel. Notwithstanding the tariff shuts Canadian barley out of our market, the production of barley has increased in Canada. It appears from a table found on page 100 of the report of the Tariff Board that in 1900 all the Provinces in Canada produced 20,322,666 bushels, and in 1909 they produced 48,810,685 bushels. In 1910 the United States produced 162,227,000 bushels, while all the Provinces produced 45,147,600 bushels. Unusual drought in North Dakota and part of South Dakota explains why our crop for 1910 was less than for 1909. That was not a normal barley year. Previous to 1897 the rate

of duty on barley was 30 per cent ad valorem. By the tariff law of 1897 this duty was increased to 30 cents per bushel. Under the old rate there were large importations of barley from Canada into the United States. In 1894 more than 2,000,000 bushels were imported. In 1897 over 1,000,000 bushels. But after the imposition of the flat duty of 30 cents per bushel importations ceased. In 1909 only 2,420 bushels were imported. Under the McKinley law, from October 1, 1890, to August 27, 1894, there was a duty on barley of 30 cents per bushel, the same as now.

In 1892, under this duty, the December price per bushel in Chicago ran from 65 cents to 67 cents. The May price for the same year was 65 cents.

In 1893 December barley in Chicago ran from 52 cents to 54 cents; May barley from 55 cents to 60 cents.

In 1894 December barley in Chicago ran from 52½ cents to 53½ cents, and May barley from 51 to 52 cents.

In 1894 the tariff on barley was materially reduced, from 30 cents per bushel to 30 per cent ad valorem; and in 1895 December barley in Chicago ran from 33 cents to 40 cents, and May barley from 25 cents to 26 cents.

In 1896 December barley ran from 22 cents to 37 cents, and May barley from 24½ cents to 35 cents.

In 1897 December barley ran from 25½ cents per bushel to 42 cents, and May barley from 36 cents to 53 cents.

Then, on July 24, 1897, the old rate of 30 cents per bushel was restored by the Dingley law, and has been continued in our present law, and the price of barley has steadily advanced, as shown by the following:

[Cents per bushel.]

| Years.    | December high and low price in Chicago. |       | May high and low price in Chicago. |       |
|-----------|---|-------|------------------------------------|-------|
|           | Low.                                    | High. | Low.                               | High. |
| 1898..... | 40                                      | 50½   | 36                                 | 42    |
| 1899..... | 35                                      | 45    | 36                                 | 44    |
| 1900..... | 37                                      | 61    | 37                                 | 57    |
| 1901..... | 56                                      | 63    | 64                                 | 72    |
| 1902..... | 36                                      | 70    | 48                                 | 56    |
| 1903..... | 42                                      | 61½   | 38                                 | 59    |
| 1904..... | 38                                      | 52    | 40                                 | 50    |
| 1905..... | 37                                      | 53    | 42                                 | 55½   |
| 1906..... | 44                                      | 56    | 66                                 | 85    |
| 1907..... | 78                                      | 102   | 60                                 | 75    |
| 1908..... | 57                                      | 64    | 66                                 | 75    |
| 1909..... | 55                                      | 72    | (1)                                | (1)   |
| 1910..... | 78                                      | 82    | (1)                                | (1)   |

<sup>1</sup> Not given.

These figures are taken from Table 17, page 101, Report of the Tariff Board. This board also reports (p. 105) that—

the price of barley in Canada is generally below the price of the United States. From 1900 to 1909 the Chicago price ranged from 1 cent to 46 cents above the Winnipeg price. Half of this time the difference was above 13 cents.

Mr. REED. Mr. President—

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Missouri?

Mr. CRAWFORD. I do, if the Senator wishes just to ask a question. I do not want to keep the Senate unduly long.

The VICE PRESIDENT. The Senator from South Dakota yields.

Mr. REED. Does the Senator hold that the passage of the tariff on barley raised the price of barley in this country?

Mr. CRAWFORD. I do.

Mr. REED. Who pays ultimately that increased price?

Mr. CRAWFORD. The man who drinks the beer, I presume.

Mr. REED. Does the Senator hold that that is true of the tariff on all farm products?

Mr. CRAWFORD. I do not.

Mr. REED. You do not?

Mr. CRAWFORD. I do not. I will demonstrate it, if the Senator will permit me, right here, and we will save time. I am going into that quite fully, and I will demonstrate that the small tariff on this cereal as it leaves the farm is not a factor when you consider the loaf of bread. However, the Senator from North Dakota [Mr. McCUMBER] elaborated on that so completely and made it so plain that I do not think it will be necessary for me to spend much time on it. But when it comes to the loaf of bread, the difference is absolutely inconsequential.

Mr. REED. I do not want to pursue the matter further than to get clearly the Senator's view. As I understand it, if you increase the price of barley by a tariff, the man who drinks the beer pays the increased cost?



Mr. CRAWFORD. He will not in this case. If we pass this Canadian tariff it will not change the price of a glass of beer, but I will demonstrate before I get through that your Brewers' Trust and your distillers are getting something here that is an absolute outrage, when it comes to the American farmer, and you are giving it to them.

Mr. REED. I trust the Senator is not delivering over the Brewers' Trust to me.

Mr. CRAWFORD. I hope not.

Mr. REED. As my trust.

Mr. CRAWFORD. I do not wish you any harm.

Mr. REED. I wanted to pursue my question to a direct answer. I understand the Senator to say that the tariff upon barley increased the price which was ultimately paid by the man who drank the beer.

Mr. CRAWFORD. I do not think that would really be a disaster, but it may be true as a fact.

Mr. REED. If that is true then why will not an increase of the price of wheat ultimately be paid by the man who eats the bread?

Mr. CRAWFORD. If the Senator will do me the honor to remain here until I finish my remarks I will make it plain to him that the way this bill is presented to the Senate it leaves a tariff of 50 cents a barrel on flour while it takes the tariff off of wheat, and it will not decrease the price of bread a farthing, but it will give the manufacturers of flour an undue and unfair advantage at the expense of the American farmer. I will do that as to every item in this bill relating to farm products, but I do not care to be diverted at this part of my remarks to go into that.

Mr. REED. Mr. President, I think—

The VICE PRESIDENT. The Senator from South Dakota declines to further yield.

Mr. REED. I will remain to hear the Senator, but I will remind him that we are furnishing a majority of the audience who are remaining to hear the Senator.

Mr. CRAWFORD. If I do not take it up I will thank the Senator for calling my attention to it.

Speaking of hay, the Tariff Board says that Ontario, which produces more hay than New York, reports an average yield of 1.84 tons as against New York's average of 1.32 tons per acre. The highest American farm price—over \$15 per ton—is reported from New Hampshire and from Wisconsin. The highest Canadian price, \$14.58, is that quoted for Alberta. The Ontario price is \$10.21 per ton as against the New York price of \$13.70.

Flaxseed is a staple crop in several northwestern States near the Canadian border. In 1910, because of drouth, the yields in Minnesota and the Dakotas fell far below normal. But despite these low yields in 1910 South Dakota and Minnesota each produced nearly as much flaxseed as all Canada; North Dakota produced about 2,000,000 bushels more than Canada. Take the tariff off flaxseed and the situation will swiftly change. The yield of bushels per acre in 1910 was 11.79 bushels in Manitoba, 7.87 bushels in Saskatchewan, and 4.48 bushels in Alberta; 3.6 bushels in North Dakota, 5 bushels in South Dakota, 8 bushels in Nebraska, 7 bushels in Montana. The highest farm price was \$2.40 per bushel in Montana; the lowest \$2.10 in Kansas. In Canada the highest farm price per bushel was \$2.08 in Saskatchewan, and the lowest \$1.87 in Alberta. Prepared flaxseed is known as linseed, and the flaxseed crop is used by the Linseed Oil Trust in the United States.

Ontario and Quebec are great dairying Provinces. Quebec has an excellent local breed of dairy stock and Ontario is favorably situated and well equipped for the production of fine grades of dairy goods. The necessary foodstuffs are available and the skill of her dairymen is acknowledged. The Tariff Board reports that there are 856,151 milch cows in Quebec and 1,243,680 in Ontario, while Maine, New Hampshire, and Vermont combined have 582,000; New York, 1,771,000; Michigan, nearly 1,000,000; Wisconsin, 1,500,000. It is true that east Canada is not equipped for raising and fattening beef because Indian corn is neither cheap nor abundant there; but Indian corn is not a factor of the first importance in the maintenance of dairy herds. What are known as mill feeds are much cheaper in Canada than in the United States. The prices of bran and middlings are constantly lower at Winnipeg than at Minneapolis; in Toronto the prices of these products are constantly lower than at Buffalo; also lower at Montreal than at Buffalo. The Tariff Board reports that on February 26 the price of bran in Winnipeg was \$19 per ton and of middlings \$20, while on the same day—thanks to the Millers' Trust—the Iowa farmers were paying \$25 to \$28 per ton for bran and \$27 to \$30 for middlings.

The great dairy countries of the world are Denmark, Belgium, Holland, Norway, and Russia. It is only in recent years that the American farmer has developed what is known as modern dairying. Last year the total export of cheese by all the countries of the world was 485,000,000 pounds, of which Canada exported 172,000,000 pounds, and the United States only 10,000,000 pounds. Canada also exports about 6,000,000 pounds of butter annually.

The American farmer and dairyman can not but feel that he is unjustly discriminated against by a proposal which will admit such a competitor into our home market without the imposition of any import duty whatever. The Dominion is looking after its farmers and their welfare. Why should the United States not remain loyal to all its citizens? Why discriminate against the farmer? The Provinces of Saskatchewan and Manitoba are building up dairying interests by subsidizing Government creameries. A farmer living at a distance from a creamery ships his cream by express, and the express charges are rebated. Consul General John E. Jones, of Winnipeg, reports that before the Government creamery was established there in 1908 dairy butter sold for 12½ cents per pound in trade; but that from July 1 to the end of October, since the opening of the creamery, the lowest price paid by the Government was 21½ cents per pound and the highest price was 31½ cents per pound for butter fat, payments made in cash twice a month.

Mr. SUTHERLAND. Mr. President—

The VICE PRESIDENT. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. CRAWFORD. I do.

Mr. SUTHERLAND. The Senator from South Dakota has been talking for a long time. I know that he is far from well. I ask him if he would not prefer to continue to-morrow?

Mr. CRAWFORD. I do not know but that almost an apology is due to the Senate, but I feel constrained to discuss this question at some length. It is a matter my constituents look at with tremendous seriousness, and I feel under the most profound obligation to do what I can to get this case squarely before the country for them. While I have not been very well, I have talked for a good while and I would appreciate it if I might go on to-morrow.

Mr. SUTHERLAND. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 26 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 18, 1911, at 2 o'clock p. m.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 17, 1911.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D., as follows:

Our Father in heaven, we thank Thee for every great soul who has climbed the heights, caught a vision, evolved a truth, made a discovery, invented a machine, a device, caused two blades of grass to grow where one grew, wrote a book, a poem, a song, painted a picture, carved a statue, reared an altar to his God, founded a hospital, a school, a college, or gave greater freedom of thought and action to mankind. So may it be our desire and our good fortune. And Thine be the praise forever. Amen.

The Journal of the proceedings of yesterday was read and approved.

### AMERICAN SUGAR REFINING CO.

The SPEAKER. When the House adjourned yesterday evening the matter before the House was the resolution (H. Res. 172) of the gentleman from Texas [Mr. HENRY], and the immediate matter was the motion of the gentleman from Mississippi [Mr. Sisson] to refer that resolution to the Committee on Rules. The immediate matter is to take a vote on that motion.

Mr. HENRY of Texas. Mr. Speaker, permit me to say that it is not my wish to take snap judgment or to make any technical contention about the passage of the resolution now pending as introduced by me on yesterday, but there are a few plain statements I desire to make to the membership of this House in order that the case may be thoroughly understood. About a week ago the House adopted a resolution providing for the investigation of the American Sugar Refining Co., commonly known as the Sugar Trust. In that resolution there was a provision for the House to elect a committee of nine members. For satisfactory reasons the election of the



committee has been postponed from the day of the adoption of the resolution until yesterday, when there was offered the resolution nominating the nine Members to constitute the committee, five from this side of the House and four from the other side. At the outset let me say that I assume all responsibility for nominating the five Members from this side of the House. I did not say yesterday, nor will I say to-day, that the Committee on Rules made the selection of the Democratic or the Republican members of the committee.

The Committee on Rules did not, neither did the Democratic nor the Republican membership, nor did any subcommittee of the Democrats or the Republicans, make the selections. Therefore I make the candid statement to the House that as a Representative from the eleventh congressional district of Texas, not as the chairman of the Committee on Rules, not as a member of the Committee on Rules, the responsibility of nominating these 10 Democratic Members should be charged against me.

Mr. BROUSSARD. Mr. Speaker, will the gentleman yield?

Mr. HENRY of Texas. I prefer not to yield until later.

The SPEAKER. The gentleman declines to yield.

Mr. HENRY of Texas. Mr. Speaker, I have no concealment to make from the House or country. This is a great question concerning the American people. It is no time to quibble over technicalities. The Committee on Rules, by a unanimous vote, reported two resolutions—one to investigate the United States Steel Corporation and the other to investigate the American Sugar Refining Co.—and provided that this House should elect the committees provided for in both those resolutions.

Gentlemen, discard the idea from your minds that this resolution providing for the election of these Members came from the Committee on Rules or from the Democratic Members, for it did not come from them, but it came from me as an individual Representative, and I consulted as freely as possible many of my brethren on this side of the House about the personnel of the committee. Obviously it was impossible for me to confer with every Democrat, but I did talk with as many as were accessible. And I realize that some men who should have been consulted were inadvertently overlooked. I always consult them when within easy reach of their ear. But, Mr. Speaker, when the gentleman from Kentucky [Mr. STANLEY] first introduced his resolution it provided that this select committee should be chosen by the Speaker, as all select and conference committees are selected. The resolution came to the Committee on Rules with a provision in it to the effect that the committee should be selected by the Speaker. Let me say to you, gentlemen, that the Speaker had a conference with me, and stated that for reasons satisfactory to himself he preferred the Committee on Rules should so amend the Stanley resolution and provide for the election by the House, and I yielded to his wishes.

I candidly state the facts to the House, and have no apologies to make for my course, because it leaves it to the body of the membership to elect the committees. If gentlemen are not satisfied with the names proposed, they can make suggestions, and we can change the names if the new ones are appropriate. We will give you a better committee, if one can be found in the House. Understand that the Speaker desired to be relieved of the responsibility for reasons satisfactory to himself, and, as chairman of the Committee on Rules, I concurred with him that we could afford to make the departure in this particular case, and it was accordingly and wisely made.

The Committee on Rules does not wish to arrogate to itself any authority, and is not reaching out for it. I am acting as an individual, and am simply deferring to the wishes of the Speaker. The resolution as adopted on yesterday, as finally introduced by the gentleman from Kentucky, provides for the election by the House instead of appointment at the hands of the Speaker. The first resolution providing for the selection by the Speaker was House resolution 139, and read to this effect:

*Resolved*, That a committee of nine Members of this House, to be appointed by the Speaker, is hereby directed to make an investigation, etc.

Then when the matter came up the next time before the Committee on Rules we acquiesced in the wishes of the Speaker and changed the verbiage of the resolution which was reported to the House and adopted on yesterday and made it read as follows:

*Resolved*, That a committee of nine members to be elected by the House be, and is hereby, directed to make an investigation, etc.

And the Sugar Trust investigation resolution is fashioned exactly after the Steel Trust resolution. Gentlemen, you have the case before you. I have no desire to rob the Democratic caucus of any rights or powers they have, and let me say to you when we are pressing forward on matters of great concern to the American people let us not halt and quibble over technicalities. [Applause on the Democratic side.] Up to the

present time we have been harmonious, and I am glad to report to this side of the House, after a brief journey through certain sections of the country, we have the enthusiastic and unqualified approval of the American people. [Applause on the Democratic side.]

Mr. MARTIN of Colorado. Mr. Speaker, I would like to ask the gentleman a question—

Mr. HENRY of Texas. I decline to yield for the present. Gentlemen, it makes but little difference whether or not I as an individual Member from the eleventh district of Texas can exercise the poor privilege of nominating these Members to the House. It is a small matter to me and of little importance whether this House votes me down as chairman of the Committee on Rules or as an individual. It is not important what may happen to me, and would amount to nothing if I should depart from the proceedings here and cease to be a Member, but it is of vital importance to the country that the Democrats stand together and press forward to redeem their pledges to the American people. [Applause on the Democratic side.] Reiterating, I take the responsibility for suggesting these names. If they are not satisfactory, we would be glad to have the suggestion of the gentlemen; we would be glad for them to submit names they prefer for the committee. Let me say as a Representative of my district and party, if I must be exposed to unjust criticism, I shall not hesitate to stand in this House before the American people and discuss some things as they should be discussed. [Applause on the Democratic side.]

I give warning to the gentlemen if they intend to discuss these things, they must reveal their motives and purposes and face me here and before the American people. [Applause.] It is of small moment whether you vote down these names submitted by me as an humble Member, but it does make a vast deal of difference as to what you shall do with this investigation and the personnel of the committee. They talk about referring the names back to the Committee on Rules. They do not come from the Committee on Rules; they come from an individual. If you refer them back to us, we shall not report them. Why should we? They have not been before us. Then you may take your own course.

If you go into a caucus, will you make any better selection than we have made? What is objectionable about this matter? Are any of you gentlemen dissatisfied with the personnel? If so, tell us about it and we will discuss it candidly and will make any change if it appears to be right. This committee is headed by the gentleman from Georgia [Mr. HARDWICK], and appropriately so, because he is the mover of the resolution, although he is a member of the Committee on Rules. And then we put upon it one more Member, an able gentleman, from the State of Tennessee [Mr. GARRETT]. I suggested him because he is an able, upright, honorable, and capable Representative and a first-class lawyer, and we need him to grapple with the attorneys and talent that will be employed by the Sugar Trust and Steel Trust.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. HENRY of Texas. Not now; but in a moment.

Mr. FITZGERALD. Just so as to make clear what the gentleman is saying. The gentleman from Texas makes the statement that he in his representative capacity as an individual Member proposed these names, but he is continually speaking of "we" doing this, or "we" making this change, and "we" believing something. Who are the "we" to whom the gentleman refers?

Mr. HENRY of Texas. That is only an editorial expression. [Laughter.]

Mr. FITZGERALD. I wish to be perfectly fair to the gentleman if he means that he himself would make—

Mr. HENRY of Texas. I want to say to the gentleman once and for all that "we" does not mean the Speaker of the House and myself, for the Speaker had nothing to do with making this committee, if that is what you are charging. [Applause.]

Mr. FITZGERALD. The gentleman from New York has not intimated in any manner that the Speaker has had anything to do with it. I believe that if he had had it would have been satisfactory, but to be perfectly fair, when the gentleman from Texas speaks of "we" it is not fair to Members who have not been let into the secret as to who constitutes the "we."

Mr. HENRY of Texas. I am glad the gentleman has interrupted, and if it becomes necessary, which I hope will not be the case, I will make the expression "we" peculiarly appropriate when referring to some conferences held between some of the New York delegation and myself.

Mr. FITZGERALD. Mr. Speaker, let me say to the gentleman that I am not aware of what he refers to. He had no conference with me. If he had conferred with me, anything I



would have said to him he would be at perfect liberty to disclose to this House. [Applause.] I am not accustomed to making statements in private that I am unwilling to make on the floor of this House, if they refer to anything in the discharge of my duty.

Mr. HENRY of Texas. I am glad to confirm what the gentleman says, and to state that he and I had no conference about this matter, and am indeed grieved to think that he stands in the way of this investigation, or the personnel of the committee, for a single instant by criticizing the method of our selections.

Mr. FITZGERALD. I am not doing either, and when the gentleman will give me time, which I hope he will, I will make some statements to show it. But when the gentleman intimates in a colloquy with me that it may be necessary for him to disclose statements made between him and the members of the New York delegation, the only inference could be that I was involved in such conference, when neither directly nor indirectly has any such conference been held.

Mr. HENRY of Texas. Dismiss that from your mind. I did not consult the gentleman from New York.

Mr. FITZGERALD. Nor has anybody who consulted with me consulted with the gentleman from Texas.

Mr. HENRY of Texas. I exonerate the gentleman. Now, Mr. Speaker, when I drew the gentleman into the matter and now exonerate him and say that he did not confer with me, directly or indirectly, that should suffice.

Mr. FITZGERALD. I do not wish to have a personal controversy with the gentleman, but only one inference could be drawn from the gentleman's statement.

Mr. HENRY of Texas. Then I withdraw any statement that I have made that may be offensive.

Mr. FITZGERALD. It was not offensive, because nothing offends me if it is accurate.

Mr. HENRY of Texas. I think that is true. The gentleman could not afford to be offended if it was accurate.

Now, Mr. Speaker, I have no personal feeling and it will not humiliate me if gentlemen do not agree with me. But suppose the House were to refer these nominations back to the Committee on Rules. The matter has not been there, and the Committee on Rules can take no action about the personnel. Suppose you go to the caucus to select your membership. I have stated to the House candidly why we changed the verbiage of the resolution and relieved the Speaker of the responsibility and left the choice to the House. We will take no snap judgment. We will not move the previous question—perhaps I would better say "I," and not "we"—I will not move the previous question unless compelled to do so by some emergency. We shall have freedom of discussion and amendment, and if there is anybody who is not satisfied with the names in this resolution we will be glad to consider others and vote on them. Now, I yield to the gentleman from Colorado.

Mr. MARTIN of Colorado. Did I understand the gentleman to say just now that this matter had not been taken up and considered by the Committee on Rules?

Mr. HENRY of Texas. Does the gentleman mean the personnel of the committee?

Mr. MARTIN of Colorado. Yes, sir.

Mr. HENRY of Texas. I say yes.

Mr. MARTIN of Colorado. Then, Mr. Speaker, I want to call the attention of the gentleman to this language used by him yesterday in debate:

But, Mr. Speaker, when a majority of the Committee on Rules—aye, every member of the Committee on Rules, both Democrats and Republicans—agreed that this resolution should be adopted and the committee elected, I do not see the sense in submitting it to a caucus where we all agreed.

Mr. HENRY of Texas. I meant the resolution by that. I was speaking in general terms. I believed, and still think, the Democrats could stand together and agree upon five members of this committee. Altogether there are 55 chairmen of committees, and we felt that we could not take many of them. We were limited in the selection of the personnel, because it was hard to find Members who are not already preoccupied.

Mr. MARTIN of Colorado. Now, just a moment. The gentleman contends now that he meant to say yesterday and now says that he himself is responsible for these committee selections.

Mr. HENRY of Texas. And I say now what I said yesterday.

Mr. MARTIN of Colorado. That he—the gentleman from Texas—is responsible for these committee selections?

Mr. HENRY of Texas. Yes.

Mr. MARTIN of Colorado. The gentleman has repeatedly stated to this House and reiterated the statement that this is a matter of tremendous importance to the American people. Now, if it is a matter of such tremendous importance to the American people, does not the gentleman think that it is just a

little important, the make-up and selection of this committee? Does the gentleman feel adequate in himself, out of 227 Democrats, to decide a matter of such tremendous importance to the people of the country?

Mr. HENRY of Texas. Yes; and the House is now electing, by its own will and act, the members of the committee. I merely suggested the names, and now suggest to the gentleman that if he is not satisfied with the personnel perhaps we can arrange it to suit him.

Mr. MARTIN of Colorado. I have not stated, Mr. Speaker, that I was not satisfied with the personnel of this committee. I do not know whether I am satisfied or not. I have not had an opportunity to consider the personnel of this committee. I do not know anything about the considerations or motives which may have influenced their selection. What I object to is the method by which the personnel of this committee has been decided upon.

The gentleman from Texas says these selections are open to amendment. The gentleman knows how futile that proposition is, and he also knows the utter uselessness of the mere form of going about and pulling a list out of his pocket and submitting it to this and that and the other Member and saying, "Is this list all right? Does it suit you?"

Mr. HENRY of Texas. I must object, Mr. Speaker, to yielding to the gentleman further.

Mr. ALEXANDER. Mr. Speaker—

The SPEAKER. Does the gentleman yield to the gentleman from Missouri [Mr. ALEXANDER]?

Mr. MARTIN of Colorado. I deny, Mr. Speaker, that such action is satisfactory to the membership of this body.

Mr. HENRY of Texas. Let us take a sensible view of it. When the Ways and Means Committee is to go into conference with the Senate on a great tariff bill, a great revenue measure, how are the conferees selected? Are they really, in fact, selected by the Speaker, as the rule provides shall be the case? Every intelligent Member knows that the chairman of the Ways and Means Committee suggests those conferees. The same is true with respect to the great Appropriations Committee, headed by the distinguished gentleman from New York [Mr. FITZGERALD]. Frequently, and, I imagine, in almost every instance, the chairman of that committee suggests the conferees. So this matter is not as important as the gentleman would make it appear. Because, forsooth, I have nominated these names to the House for election, for your ratification, all this unseemly wrangle has occurred.

Mr. ALEXANDER. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Texas yield to the gentleman from Missouri?

Mr. HENRY of Texas. I will.

Mr. ALEXANDER. The gentleman has reiterated that he has made the selection. It obscures the issue when he says that if the membership of the committee is not satisfactory to the membership of the House, as suggested by him, they have a remedy. It is a very embarrassing remedy, and that is not the question. The question is the method of procedure in nominating this committee. Now, what did the gentleman from Texas on yesterday mean by this language? I read from page 1257 of the RECORD:

Mr. HENRY of Texas. Mr. Speaker, just a word. As chairman of the Committee on Rules, I desire to say that the responsibility was put on that committee. We have not arrogated to ourselves any authority. We understand how jealous, and rightly so, Members have been of their prerogatives as Representatives in this House. We are not trying to dictate to the Democracy or the membership of this House, but here was the responsibility coming up that could be solved by your committee. Now, how much better off would you be if you submitted it to some other committee and let them pass on it?

Mr. HENRY of Texas. The gentleman from Missouri is too good a lawyer to want to hold me to a strict technical construction of the language. When I made that statement I spoke the truth, and was speaking in general terms of the resolutions and make-up of the membership of the committee. The resolutions came from the Committee on Rules and somebody had to take the responsibility of suggesting names, and as an humble member I have done so.

Mr. ALEXANDER. In view of that equivocal language I wished the gentleman to clear up the situation so that the House could know what he meant.

Mr. HENRY of Texas. Mr. Speaker, I decline to yield further. I do not admit that the language is equivocal or needs clearing up. I stand now as on yesterday.

Mr. KENDALL. Will the gentleman yield for a question?

Mr. HENRY of Texas. Yes.

Mr. KENDALL. After the adoption of the resolution, which provides that the committee should be elected by the House, would not the ordinary course have been for the matter to be



brought to the attention of the House by the chairman of the majority caucus in a motion to elect?

Mr. HENRY of Texas. It would be in regard to the standing committees. Undoubtedly the gentleman is correct, but here is where we varied the rule in reference to the select committees.

Mr. KENDALL. What is the distinction between this committee and the standing committee which authorizes a private Member of the House to propose the names of the committee?

Mr. HENRY of Texas. I think that can be made so plain that the gentleman will understand it. Of course, if it had been a standing committee the gentleman from Alabama [Mr. UNDERWOOD] would have made the nomination, but where we had a resolution under consideration, that changed the rule to a certain extent which provided that the Speaker should appoint the select and conference committees, and thus required the House to elect this committee, as it did the Ballinger-Pinchot committee, it was thought perhaps we could solve the problem if some Member in his individual capacity should suggest the names to the House of Representatives. If you go before the caucus, somebody must offer names to the caucus. If you come to the House, some one must present them here. We suggested the names of the Members to investigate the Steel Trust and not a murmur to the proceeding was heard. They were elected by unanimous vote; but all of a sudden some gentleman concludes that he has been overlooked and becomes antagonistic.

I regret not being able to confer with every Democratic Member, and again repeat that those who believe they can select a better committee by committing it to the Rules Committee, where it will sleep if you do it, or those who think it should be presented to a Democratic caucus, can vote this resolution down. And you will see how much better it will be and whether this controversy will avail anything. You are not making any better progress.

So far as I am concerned, it will not embarrass me whatever you do, for, in my individual capacity, I intend to keep faith with the American people, and, if it lies within my power, to maintain harmony in the Democratic Party, going forward to that greater victory awaiting us in 1912. [Applause on the Democratic side.] Mr. Speaker, I will yield five minutes to the gentleman from Louisiana, but first will yield to the gentleman from Alabama [Mr. RICHARDSON] for a question.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. How much time has the gentleman from Texas remaining?

The SPEAKER. The gentleman has 25 minutes.

Mr. MANN. The gentleman from Texas occupied a half or three-quarters of an hour yesterday. Is he now, in taking the floor, entitled to another hour because it is a different day?

The SPEAKER. Not because it is a different day, but because it is a different proposition.

Mr. FITZGERALD. Mr. Speaker, I desire to suggest this, that before adjournment last evening the gentleman from Texas [Mr. HENRY] yielded the floor for a motion to commit this resolution, but taking the floor this morning he is entitled to an hour, nobody having protested his right.

The SPEAKER. The Chair thinks that is correct.

Mr. MANN. I understand, but does the Chair rule now that if the gentleman from Texas again yields the floor to other gentlemen, he can then take the floor and be entitled to another hour?

The SPEAKER. The Chair rules this, that the original proposition which started this debate was the resolution nominating nine members of this committee, and the gentleman from Texas had an hour. Just about the time that hour was expiring the gentleman from Mississippi [Mr. Sisson] made a motion to refer the resolution to the Committee on Rules, when the gentleman from Georgia [Mr. RODDENBERRY] raised the point of no quorum. The gentleman from Alabama [Mr. UNDERWOOD] then moved that the House adjourn, and the House did adjourn. So that the matter which came up first was the motion of the gentleman from Mississippi to refer this original resolution to the Committee on Rules, and the gentleman from Texas, or any other gentleman who rose and addressed the Chair, had a right to an hour. The gentleman from Texas happened to be the first man up.

Mr. MANN. The Chair will pardon me, but the gentleman from Texas occupied a considerable time on yesterday after the motion was made by the gentleman from Mississippi [Mr. Sisson].

The SPEAKER. As the Chair stated, there was a kind of interlocutory performance among several gentleman down there.

Nobody made a speech. There were suggestions bandied back and forth.

Mr. MANN. The gentleman from Texas had the floor for a considerable time, but if the Chair has no record of it, I have no desire to press the matter. I thought possibly the Chair had a record of the time that he occupied on yesterday after the motion was made by the gentleman from Mississippi. At the proper time, Mr. Speaker, I desire to be recognized.

The SPEAKER. The Chair will recognize the gentleman from Illinois at the proper time.

Mr. HENRY of Texas. Mr. Speaker, I yield to the gentleman from Alabama [Mr. RICHARDSON] for a question.

Mr. RICHARDSON. Mr. Speaker, I desire to ask this question: In the first place, I will state, as the RECORD shows, that I was one of those Members who favored yesterday afternoon immediate action or ratification of the names that the gentleman from Texas proposed—not because I believed that he or his Committee on Rules had the authority to make the nominations, but because I thought it would get our party out of the very embarrassing position in which we found ourselves. Now, the gentleman has thrown other features this morning into the discussion upon this matter, to wit: He has indicated that in the near future, if gentlemen who were opposing him yesterday prosecute that matter, that he will reveal matters in this House that he had not referred to fully and entirely. Now, I certainly am perfectly honest in my desire for information, for I am not aware of any connivance or arrangement or any recognized division for selfish ends on this side of the House. I frankly state that I am not among those Members consulted by the gentleman from Texas about the names submitted by him. Nor do I take any exception to his course, but I respectfully ask him to let me know, as a supporter on his side of the question, what he means by the intimations he has thrown out. Is there any clique, is there any prearrangement or attempt this way, is there any agreement among the Democratic Members of this side, or any number of them, for certain selfish purposes, as the gentleman indicates there is, and who leads such a movement?

Mr. HENRY of Texas. I will answer that, and say no; but when I deem it necessary and appropriate, if we reach that stage, I will say whatever I think should be said. I am keeping nothing from Members here.

Mr. RICHARDSON. The gentleman certainly is. Why did you deem it necessary and appropriate at this time to refer to it?

Mr. HENRY of Texas. I will say that there is no clique. I said what I thought I ought to have said, and I measured my words when I made the statement.

Mr. RICHARDSON. Then, I think, to be perfectly frank, that the gentleman ought to tell us what it is.

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Louisiana [Mr. BROUSSARD].

Mr. RODDENBERRY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. RODDENBERRY. How is the question before the House at this time, the resolution and the motion—as a matter of privilege or as a privileged resolution?

The SPEAKER. It is before the House as a privileged resolution affecting the organization of the House, not as coming from the Committee on Rules especially, but it is a matter affecting the organization of the House, and the motion of the gentleman from Mississippi [Mr. Sisson] to refer it is a subsidiary motion affecting the resolution itself.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. Is a motion to strike out a name and insert one in order previous to a vote upon the motion to refer?

The SPEAKER. The Chair thinks not. If the motion to refer should be voted down, then any gentleman on the floor in the present situation has a right to offer to amend this original resolution by striking out any name and substituting another, or by striking out all of the names and substituting others. That is true until some gentleman moves the previous question and the previous question is ordered. The gentleman from Louisiana is recognized.

Mr. BROUSSARD. Mr. Speaker, I wish to preface the few observations which I shall make on this motion by stating to the House the very high esteem with which I regard the gentleman from Texas, who has moved the selection of the committee authorized by the resolution known as the Sugar Trust investigation resolution. Nor do I want to appear here as objecting to any of the gentlemen who have been named by the gentleman from Texas on that committee. My objection to the motion made by the gentleman from Texas goes deeper than the ques-



tion of the individuals or the gentlemen whose names appear in the resolution. The investigation of the American Sugar Refining Co. is one that strikes a popular chord throughout the country; in fact, we have it from the authority of the chairman of the Committee on Rules that on the Rules Committee there is no opposition to this investigation.

It is, however, necessary, in order to obtain that evidence which will prove or disprove the common belief throughout the country regarding this corporation, that the investigation should be thorough, complete, and managed by men who understand the methods pursued by this corporation. The gentleman from Texas assumes the responsibility, as I understand, for the selection of five members of that committee. He does not state who selected the other four. Perhaps if the gentleman from Illinois, the leader of the minority on the floor, were asked the question he might be able to enlighten the House as to who selected the other four. In the selection of this committee I find that there are at least five members of that committee from States producing beet sugar. I find no one on that committee from either the State which I in part have the honor to represent and the State which in part the gentleman from Texas himself represents, the two States which are producing fully one-third of the entire American output of sugar. I would like to know if gentlemen, no matter how well posted they may be in regard to the process of producing sugar in the beet States and the process developed in the disposition of the output of the best sugar factories in the West, are qualified entirely to investigate the workings of the American Sugar Refining Co. toward the people of Louisiana and Texas in the disposition of the crops of those two great States. And yet the production of sugar from cane in this country, one-third of the entire production, is from the States of Louisiana and Texas. No one is placed on this committee to represent that interest. The American Sugar Refining Co., if not guilty of any other charge, is certainly guilty of the charge of controlling the market of sugar in both Louisiana and Texas, and yet when they come to form this committee, pursuing a system of incognito statesmanship where no one is responsible for the selection of the members, instead of placing the duty upon the Speaker of the House, a list is handed to the House, no one wishes to question the personnel of the names suggested, no one is given an opportunity to ascertain just what qualifications the gentlemen suggested possess, but all at once the resolution presented is within a short while passed by the House—

The SPEAKER. The time of the gentleman has expired.

Mr. BROUSSARD. May I have just a minute more?

Mr. HENRY of Texas. I yield the gentleman one minute additional.

The SPEAKER. The gentleman is recognized for one minute.

Mr. BROUSSARD. I should say, Mr. Speaker, without criticizing the position of the gentleman from Texas, that this resolution should be sent to the Ways and Means Committee primarily, or I should say, in right, it should be turned over to the Speaker himself that he might investigate the matter and make the proper assignments in order that something like results may come from this investigation. [Applause on the Republican side.] But if the Speaker is unwilling to assume the responsibility of the great office which he occupies [applause of the Republican side], then, I say, the matter should be referred to the Committee on Ways and Means that heretofore has selected all the other committees of the House, and that committee should look into the matter and report a committee qualified in every respect to handle this subject as it should be handled if it is not intended to absolutely play politics with this resolution. [Applause on the Republican side.]

Mr. FITZGERALD. Mr. Speaker, I was not in the House yesterday afternoon when the first resolution offered by the gentleman from Texas naming nine Members to constitute a committee to investigate the steel corporations of the country was offered. Had I been I would have made the same objection to the procedure as I afterwards advanced to the naming of the members of this committee. I came into the House when this resolution was being read, and I then asked questions as to how the membership of the committee had been selected. I stated that if the procedure were to be followed on another occasion the resolution would not go through as easily as it appeared yesterday. I have since examined the personnel of both committees and, so far as I am concerned, I should say in justice to the individuals named that I have not the slightest objection to any Member upon either one of them. But the objection which I raise, Mr. Speaker, is not to the personnel of the committee, but is to the method by which these

men were selected, and I wish to speak very frankly, because intimations have been made that some attempt was made after the first resolution was adopted to halt the investigation of the sugar companies. I am particularly interested in the investigation of the American Sugar Refining Co. and the other sugar refining companies of the country. The Arbuckles, the largest independent refiners in the United States, are located in my district. The American Sugar Refining Co., which has in the Borough of Brooklyn, from which I come, though not in the district which I represent, the plants in which the gross frauds against the Government were perpetrated.

President Taft in his first annual message to Congress, if I be not mistaken, asked that the investigation by Congress of these concerns be delayed else by chance it might interfere with the administration of justice. After a reasonable time had elapsed—I think it was the entire session—I introduced a resolution calling upon the President to state what reasons, if any, then existed for deferring an investigation of these sugar companies. And the gentleman from Illinois [Mr. RAINEY], who made a speech on this floor that will not soon be forgotten about these same concerns, will testify that the speech was made after some extended conference with myself in which I furnished some, if not much, of the information used by him at the time. I am anxious to have these concerns investigated, because it would seem that a gross miscarriage of justice is taking place, and while a number of petty employees of these concerns have been convicted and have been given the penalty of the law, not a single man of any importance, as I can recall, in either one, has been brought to the bar and sentenced for gross frauds extending over a number of years and which resulted in the voluntary payment of several million dollars to the Government.

Now, that will forestall any disclosure as to my connection or interest in any way with this resolution. The gentleman from Texas [Mr. HENRY] misunderstands the entire ground of this criticism.

On two occasions in the last Congress the House provided that special committees should be elected. A caucus was held, at which Members present were not nominated, but members of the caucus voted for whom they pleased on these committees, and as a result, in both instances, there being more candidates than the number of men to go on the committees, those selected by the majority in the caucus were the ones selected by the Democrats to represent them upon the committees. If this side of the House is to elect its committees, then I am in favor of having some sort of election that means an election and not a farce and a pretense of an election, by which the gentleman from Texas or some other individual, either with or without consultation with other Members, can present a resolution naming certain individuals to be ratified by the vote of the House.

The SPEAKER. The time of the gentleman has expired.

Mr. FITZGERALD. I would like a few minutes more time.

Mr. HENRY of Texas. Mr. Speaker, I have promised all the time at my disposal. I regret that I can not give the gentleman more time.

Mr. FITZGERALD. I regret it, too, because I would like to make some reply to statements which have been made concerning myself. Of course, unless the gentleman moves the previous question—

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that the gentleman from New York [Mr. FITZGERALD] be allowed to proceed for 10 minutes.

Mr. HENRY of Texas. I have only 10 minutes of the hour remaining, but I will help the gentleman to get time, if I can, after the 10 minutes is consumed.

The SPEAKER. The gentleman from Mississippi [Mr. HUMPHREYS] asks unanimous consent that the gentleman from New York [Mr. FITZGERALD] be permitted to proceed for 10 minutes. Is there objection?

Mr. HENRY of Texas. Mr. Speaker, I join in the request, provided it does not interfere with the time allowed to me under the rules.

The SPEAKER. Of course it would not do that.

Mr. MANN. I thought the gentleman from Texas [Mr. HENRY] had yielded the balance of his time.

Mr. HENRY of Texas. I agreed to yield it, and the gentlemen to whom I yielded it wished to speak.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi? [After a pause.] The Chair hears none. The gentleman from New York [Mr. FITZGERALD] is recognized for an additional 10 minutes.

Mr. FITZGERALD. Mr. Speaker, it was not for the purpose either of halting the investigation, which I have been interested in for several years, or of quibbling over technicalities, or of



interfering with harmony on this side of the House that I expressed my opinion upon the method adopted in this matter. I understood from the statement of the gentleman from Texas on yesterday that it had been believed that the duty had devolved upon the Committee on Rules to make these recommendations. He states to-day that he assumes the responsibility—and, of course, he must—for offering this resolution, and states that he did it as an individual. But if that is the manner in which committees of the House are to be elected, I wish to call the attention of the House at this time to what may be the result.

Assume that some other special committee is created and provision is made that it shall be elected by the House. Nothing can prevent the gentleman from Illinois [Mr. MANN] or some one else on that side of the House from selecting a committee, selecting the members from this side of the House, members whom he believes will not be objected to, and could not be criticized, and could not be objected to without a great injustice being done to them, then selecting the members of the minority, and then offering the resolution naming such individuals as a privileged resolution, saying that the purpose was to permit the House to elect the committee, and if anyone were dissatisfied with the personnel they could substitute other names for those suggested by him.

The committee would in that case probably be elected by the House in form, but in effect it would be selected by the minority leader of this House. Instead of having an election of committees we would, because of the peculiar condition that would exist, turn over to the minority or to some free lance the selection of the committees, on the pretext that it was being done by an election by the House.

I am too much interested in the success of the Democratic Party in this House and in the country to see such a plan initiated.

So far as this committee is concerned, I wish simply to say this: I have no objection to any member upon it. I have no objection to any member upon the other committee, and I should say, further, that no Member on this side of the House, either from the New York delegation or from any other delegation, conferred with the gentleman from Texas [Mr. HENRY] on my behalf or after a conference with me as to who should be placed upon either one of these committees. I knew nothing about any movement to select them until I heard the resolution read at the Clerk's desk, and I hope that may satisfy those who may perhaps think there is some peculiar or undisclosed or mysterious reason for my statement in connection with this resolution.

Mr. HENRY of Texas. Will the gentleman yield a moment?

Mr. FITZGERALD. Yes.

Mr. HENRY of Texas. I want to say to the gentleman from New York, once for all, that I exonerate him completely. He did not talk to me, directly or indirectly, about this resolution or about the personnel of the committee, and I have no desire to cast any aspersion upon him. I want the gentleman to understand that. I do not impugn his motives, and the only regret I have, and here express, is that he could not see his way clear to support this resolution and agree to the personnel of the committee. I was regretting that. I did not mean to reflect on the gentleman.

Mr. FITZGERALD. I know the gentleman did not intend to do so, but the language he employed was very unfortunate. I have not said at any time that I opposed or desired to oppose or proposed to oppose the resolution or to interfere or to attempt to interfere with the personnel of the committee. I think it highly important now to the Members named in that resolution that they should be elected by the House, lest an unfortunate misunderstanding should go out to the country regarding them.

And I wish to say, not only for that reason but because I believe the Members are well qualified for the work and fitted for it, that there is no objection to them. I shall vote to adopt the resolution rather than send it to the Committee on Rules.

But I do not wish to have the fact lost sight of that the method pursued is, in my opinion, indefensible, however meritorious it may appear to others, and I sincerely trust that such a method will not be followed in the future, because if it should be, regardless of those named in the resolution, whether they be properly equipped or not, or regardless of the source from which it comes, I shall not vote for the men named in the resolution presented under such circumstances.

And let me say to the gentleman from Texas that his position will hardly square with what we are attempting to do. He says that as the Representative of the eleventh district of Texas he nominates these men to the House; but when the late Speaker was Speaker of the House, as Representative of the eighteenth Illinois district, he nominated committees to the House; the House then had the same right, under the rules,

by resolution to have substituted other names for the committees named by him.

If we are to have committees elected by the House, if this side of the House is to follow that method, then one of two things should be done, either opportunity should be given for men in the Democratic caucus to express preferences without directly antagonizing some individual Member for membership on the committees, or the Committee on Ways and Means, the members of which under the Democratic caucus rules are prohibited from serving upon any other committee, should act as a nominating committee. If that be done, it will save much controversy and much contention and much unnecessary discussion and will conduce very much to the success and harmony of the party in the House. [Applause.]

Mr. HENRY of Texas. Mr. Speaker, I yield five minutes to the gentleman from Mississippi [Mr. Sisson].

Mr. Sisson. Mr. Speaker, I presume that the same objection would have been made to the Steel Trust resolution that was made to this resolution, and I desire that the RECORD shall show the exact circumstances under which I became aware of the fact that the Steel Trust resolution was being considered.

The Committee of the Whole House had arisen, the Speaker had taken the chair, and the report had been made, and a majority of the Members, or a great number of the Members, had their hats in hand, expecting the House to immediately adjourn. I had started out of the door when I heard a resolution being read, and I stopped at the rail and listened and then came back and sat down, and before I realized exactly what had happened the Steel Trust resolution had passed.

Now, I asked on yesterday that at the proper time unanimous consent be granted that the nomination of this committee be referred to the Ways and Means Committee. That would be the regular course to be pursued. But the chairman of the Ways and Means Committee [Mr. UNDERWOOD], for personal reasons, did not want that resolution referred to that committee. But that resolution is now out of the way. I do not presume that unanimous consent would be granted to vacate that order and let it go in the regular way.

I want to take this occasion to say that there is not a man in the House for whom I have a higher regard than the gentleman from Texas, chairman of the Rules Committee. I believe he is as patriotic as he is able and strong. Every single member on both of these committees is entirely satisfactory to me; but we ought to have some rule, some orderly procedure adopted, so that Members may know that when a certain committee is suggested to the House somebody has to take the responsibility of naming it.

Now, the Speaker, under the rules, may nominate the committees except the regular standing committees of the House, but if the Speaker does not name the committees the logical interpretation of the rule would be that it should go to the Ways and Means Committee. It would be infinitely better to let the Speaker of the House appoint the committees under the old régime than to have a man come in and suggest the names without anybody assuming the responsibility of nominating the committee on motion in this House. [Applause.]

Now, it is the principle involved in this question that I object to. I myself was in favor of taking out of the hands of the Speaker the power of appointing the committees. That was done by the Democratic Party, and it has worked with marvelous success and has been approved of generally by the country. I do not want to make this magnificent stride in the right direction ridiculous by a proceeding of this kind.

Now, Mr. Speaker, since the Steel Trust resolution is out of the way, and in view of the statement made by the chairman of the Rules Committee that if this resolution is referred to his committee they would have nothing to do with it, I am compelled to change my motion and ask that this resolution be referred to the Ways and Means Committee.

The SPEAKER. The Chair will say to the gentleman from Mississippi that an amendment would be in order to that effect.

Mr. MANN. Mr. Speaker, the gentleman from Mississippi has not the floor to offer an amendment.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RICHARDSON. Mr. Speaker, I wanted to ask the gentleman from Mississippi a question.

The SPEAKER. The time of the gentleman from Mississippi has expired.

Mr. RICHARDSON. A parliamentary inquiry, Mr. Speaker. The SPEAKER. The gentleman will state it.

Mr. RICHARDSON. Is it in order for the gentleman from Mississippi to withdraw his motion of yesterday without unanimous consent?



The SPEAKER. The motion could be withdrawn in the House.

Mr. RICHARDSON. Without objection?

The SPEAKER. In the House he has the right to withdraw his motion or amendment before it is voted on.

Mr. RICHARDSON. And no Member has a right to make an objection to it?

The SPEAKER. No.

Mr. RICHARDSON. Mr. Speaker, I heard the chairman of the Committee on Ways and Means, the gentleman from Alabama [Mr. UNDERWOOD], yesterday say that it would embarrass him to refer this question to that committee, and I know it would, and I do not think it is right to refer it to the Committee on Ways and Means.

The SPEAKER. The Chair will state to the gentleman from Alabama that nobody has made a motion to refer it to the Committee on Ways and Means, but the trouble about it all is that the time of the gentleman from Mississippi has expired.

Mr. RICHARDSON. And I have none?

The SPEAKER. And the gentleman from Alabama has none. The gentleman from Texas has five minutes.

Mr. HENRY of Texas. Mr. Speaker, I yield those five minutes to the gentleman from Missouri [Mr. SHACKLEFORD]. [Applause.]

Mr. SHACKLEFORD. Mr. Speaker, I regret very sincerely that such a situation as now confronts us has arisen. I could not let it go by without protest when presented on yesterday. I believe that this House should be democratic in every particular. I believe that in making up its committees the Democratic caucus ought to name the Democratic members and the Republican caucus the Republican members of the committees. I believe that the gentleman from Illinois [Mr. MANN] and the gentleman from Texas [Mr. HENRY] would be as competent as any other two gentlemen to perform those respective functions, but in my opinion the membership of the House itself ought to have done these things. I think it was a mistake, but there was a little heat in the matter yesterday. It struck some of our ideals a little suddenly. It aroused our antagonism against an old order of things that we thought we had whipped out of existence, and we spoke somewhat suddenly. I have been looking over the names that have been presented, and I want to say now that I had no personal objection to any of those that were proposed on this committee as members of the committee. They are good, true, stalwart Democrats [applause on the Democratic side], ready to do their part and support the policies of their party and work out the welfare of the country. I believe that the gentleman from Texas [Mr. HENRY] made a mistake, but since it has gone so far I believe that it were better that we should say to him, "Go thy way and sin no more," and we will elect this committee this time. [Applause on the Democratic side.] I believe the gentleman from Texas to be a patriotic Member of this House, the equal of any here, and that he realizes as fully as I do that he committed an error. I believe that he is a good and true man, and that he inadvertently fell into this pitfall, and I would ask my friend from Mississippi not to press his motion to recommit, but to let us all close up this incident now and elect this committee. [Applause on the Democratic side.] Let it go on and perform its service, and let us, by the light of experience, in the future avoid such errors.

Mr. Speaker, I take the liberty to say this because for many years I have been an advocate on this floor—sometimes I was very lonesome, because I had no support—against a policy of one-man power. I believe that the gentleman from Texas [Mr. HENRY] is of the opinion that there ought to be no one-man power, but in the haste to get up these committees, in the fear that there might arise some friction, he fell into the pitfall to which I have referred; and I am sure he recognizes that as clearly as do I. I know he is as anxious to serve the party and the country as am I, and I would respectfully ask the gentleman from Mississippi to withdraw his motion. Let us elect this committee, and then let us see to it that this thing does not happen again. [Applause on the Democratic side.] Now, I beg the gentleman from Mississippi, let us not carry this thing any further now. There are some other matters that we want to deal with, and let us elect this committee, because they are good men, and especially do not make the motion to refer it to the Committee on Ways and Means.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I move to amend the pending motion by striking out the words "the Committee on Rules" and inserting "a select committee of 15 Members."

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

Mr. MANN moves to commit the resolution to a select committee of 15 Members.

Mr. MANN. What I move to do is to strike out and insert. The motion of the gentleman from Mississippi, as I understand, is to refer the resolution to the Committee on Rules. I move to strike out the words "the Committee on Rules" and insert "a select committee of 15 Members."

The SPEAKER. The Chair will state the motion. The motion is to strike out the words "Rules Committee" or "Committee on Rules," whichever it is, in the motion, and to refer it to a select committee of 15.

Mr. CARLIN. Mr. Speaker, I desire to ask the gentleman a question.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Virginia?

Mr. MANN. Certainly.

Mr. CARLIN. How does the gentleman propose to select the committee?

Mr. MANN. If the gentleman from Virginia, who is or ought to be a member of the Committee on Rules, had studied the rules as carefully as he studies most questions he would have recalled the fact that the rules provide that select committees should be appointed by the Speaker unless otherwise ordered by the House.

Mr. CARLIN. I was familiar with the fact, but I wanted to get it before the House.

Mr. MANN. If the gentleman from Virginia had contained his soul in patience for a moment it would not have required the efforts of the gentleman from Virginia to get it before the House.

Mr. Sisson. I would like to ask the Speaker if I at this moment could be permitted to withdraw my motion?

The SPEAKER. The gentleman from Illinois has the floor.

Mr. MANN. I have no objection to the gentleman asking unanimous consent—

Mr. Sisson. Then, Mr. Speaker, I ask unanimous consent—

Mr. MANN. If it can be done without my losing the floor.

Mr. Sisson. I ask permission to withdraw my motion.

The SPEAKER. The gentleman from Mississippi asks unanimous consent to withdraw his motion.

Mr. BROUSSARD and Mr. MARTIN of Colorado. I object.

Mr. FITZGERALD. Mr. Speaker, I make the point of order that the gentleman has the absolute right to withdraw his motion.

The SPEAKER. But the gentleman asked unanimous consent to withdraw it.

Mr. Sisson. Mr. Speaker, I thought the Speaker gave me the information that it required unanimous consent. I ask to withdraw my motion if I can do so. I desire to withdraw the motion.

Mr. KENDALL. Mr. Speaker, I desire to make this parliamentary suggestion, and that is that the gentleman from Mississippi has no power over his motion now since there is an amendment on the motion which is pending before the House.

Mr. FITZGERALD. Mr. Speaker, I desire to call the attention of the Chair to a rule that is right in point, page 377 of the Manual, where the statement is made that "a motion may be withdrawn although an amendment may have been offered and may be pending." The reference is to section 5347, volume 5, Hinds' Precedents.

The SPEAKER. The House will be in order while the Clerk reads a section from Hinds' Parliamentary Precedents. The Clerk read as follows:

A motion may be withdrawn in the House although an amendment to it may have been offered and may be pending. On April 14, 1892, Mr. Julius C. Burrows, of Michigan, moved that there be omitted from the CONGRESSIONAL RECORD the chapters of a book entitled "Protection and Free Trade," which had been incorporated in the remarks of Mr. William Stone, of Kentucky.

Mr. George W. Fithian, of Illinois, moved to amend the motion by striking out from the Record a certain letter published in a speech of Mr. J. P. Dolliver, of Iowa.

Mr. Burrows then withdrew his motion, to which withdrawal Mr. Fithian objected, and submitted the question or order whether the resolution could be withdrawn without the consent of the House, pending the motion to amend.

The Speaker held that the mover could withdraw the resolution, there having been no amendment adopted or decision thereon.

The SPEAKER. The gentleman from Mississippi withdraws his motion.

Mr. MANN. Mr. Speaker, I offer a motion, which I send to the Clerk's desk.

The SPEAKER. The gentleman from Illinois offers a motion, which the Clerk will report.

The Clerk read as follows:

Mr. MANN moves to recommit the resolution to a select committee of 15 members.



Mr. FITZGERALD. Mr. Speaker, I reserve a point of order upon that.

Mr. MANN. Mr. Speaker, the gentleman need not reserve it. He may make it. Let the gentleman make his point of order.

Mr. FITZGERALD. I do not want to dispose of it until I hear what the gentleman says.

Mr. MANN. I prefer to have the gentleman make the point of order. The gentleman can not reserve his point of order unless it be by unanimous consent. The gentleman may make his point if he has one.

Mr. FITZGERALD. I will not press the point.

The SPEAKER. The gentleman from Illinois [Mr. MANN] is entitled to one hour.

Mr. MANN. I was not in favor of referring this resolution to the Committee on Rules nor would I be in favor of referring it to the Committee on Ways and Means. Three of the gentlemen named in the resolution belonged to the Committee on Rules, and at least one of the gentlemen named is a member of the Committee on Ways and Means. I think perhaps no one takes exception, so far as I know, to the membership of the committee. The gentleman from Texas [Mr. HENRY] stated that the Republican members of the committee were suggested by myself. That is correct. I did not know what method might be pursued in the selection of this committee when it was first provided for. I did not know—

The SPEAKER. Will the gentleman suspend? The House will be in order. Members have a right to hear what is said on an important question like this. Those desiring to converse will please retire to the cloakrooms.

Mr. MANN. I take it, Mr. Speaker, that the confusion on that side of the House comes because gentlemen are endeavoring to ascertain by conversation and consultation between themselves whether they better vote for or against the motion which I have offered.

Mr. FITZGERALD. That does not require any consultation, discussion, or consideration on this side of the House.

Mr. MANN. Very few things receive consideration on that side of the House, in so far as we are informed in the House. What consideration may be received in caucus no one on this side of the House is able to say. Now, Mr. Speaker, I did suggest to the gentleman from Texas [Mr. HENRY] the minority members of this and the steel-investigating committee. When the committees were first provided for and resolutions were introduced, I said to gentlemen privately on that side of the House that I thought these committees ought to be appointed by the Speaker. When the resolution for the sugar investigation was passed, the matter was suggested as to whether the so-called minority leader on this side of the House had the right to even suggest the names of the minority members. I did not assume that the minority leader had the right to name members of any committee. I took the liberty of suggesting and recommending to the gentleman from Texas, at his request, names of Republican Members as minority members of this committee, feeling that, at least, I had the equal right with any Member of the House to make a presentation which any Member of the House has. And it is fair to state that the resolution providing for the election of these committees passed this House more than a week ago. I do not know who is authorized to call a caucus of the Democratic side of the House, but if speed was intended, and an investigation was intended, even on that side of the House, some gentleman has been derelict in duty in not having had a Democratic caucus called after a week's time had elapsed without the selection of a committee.

But, Mr. Speaker, this question is a question for precedents. I do not believe it is advisable or desirable to name select committees by any gentleman in the House arising on the floor and offering a resolution which shall be agreed to as a matter of form by the House itself. Of course, the resolution is privileged. Any Member within a week's time has had the right at any time when the House is in session to offer a resolution suggesting or nominating the members of this committee. But some procedure ought to be agreed upon for the selection in advance of election of these committees. Some precedent ought to be established so that Members of the House, on both sides of the House, may know whom to consult and to whom they may suggest Members for committees or opposition to Members named on committees.

It seems to me that the proper course to pursue when a resolution naming a committee is offered in the House, would be that it may be referred, where a special committee is provided for, to a select committee to be named by the Speaker. The original propaganda in reference to the appointment of committees by a committee never contemplated that committees should be selected by caucuses. It contemplated that a committee on committees might be selected by the House in some

manner representing both sides of the House, where both sides of the House might consider the membership of committees and bring the proposed membership before the House for approval. Everyone knows that the ideal method of selecting committees is not by caucus action.

Mr. COOPER. Will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. MANN. Certainly.

Mr. COOPER. The gentleman from Illinois has just deplored the fact that no precedent has been established for cases of this kind.

Mr. MANN. I have deplored no such fact at all. I have not spoken of it.

Mr. COOPER. The gentleman spoke more than once of the wisdom or the necessity of having a precedent established, and the gentleman now speaks of the necessity of having a select committee to which this resolution might be referred.

Mr. MANN. Exactly.

Mr. COOPER. Now, let me ask the gentleman whether we did not create a precedent in a case on all fours with this one when the resolution came up for the appointment of the Ballinger-Pinchot committee, and the House decided that that committee should be elected by the House? When the House so decided, the Republican majority promptly called a caucus. So did the Democratic minority. No one was more active in the caucus of the Republican majority than was the distinguished gentleman from Illinois, now the leader of the minority. That was a precedent which the gentleman knew about. That was a precedent which the gentleman from Texas [Mr. HENRY] also knew about. The gentleman from Texas said he consulted with certain Members on his side of the House—

Mr. MANN. How much time does the gentleman want?

Mr. COOPER. He says "we agreed"—

Mr. MANN. Mr. Speaker, I yield to the gentleman.

Mr. COOPER. And then he says he came over to this side and consulted with the gentleman from Illinois [Mr. MANN] as to the minority membership. The gentleman from Illinois suggested the names of the men from the minority to go on this committee. There was no caucus.

The precedent about which the gentleman from Illinois was fully informed was deliberately overlooked, disregarded, violated by both the gentleman from Texas and the gentleman from Illinois. [Applause on the Democratic side.]

Mr. MANN. Mr. Speaker, the precedent cited by the gentleman from Wisconsin is, I think, fairly in point with considerable force. However, the rules of the House have now provided a different method of selecting committees from the method formerly provided by the rules, and I say again that I think it is now quite important that we establish a precedent for the selection of committees under the rules.

So far as the action taken by myself is concerned, as the minority leader, I have no apologies to make for that. At the caucus—which unfortunately was not attended by my distinguished friend from Wisconsin [Mr. COOPER]—I was given authority to select the membership of committees, so far as recommendations were concerned from the minority side. And yet I should have preferred in this case, as in other cases, that the members of committees might be selected either by caucus or by the method which I have now proposed, namely, that they shall be passed upon by a select committee of the House, composed both of the majority and the minority.

I would have, been quite content to have let the Speaker name these special committees. I have more confidence in the Speaker than the gentlemen on the Democratic side of the House have. I am willing to let the Speaker name the minority members of the committees, believing that he will deal fairly. But the majority of this House—the Democratic side—do not have enough confidence in the Speaker to even let him name the Democratic members of the committees. [Applause on the Republican side.]

I am willing now to let this resolution and the names go to a select committee named by the Speaker of the House. Why, is it possible that the Democratic Members of the House distrust the man whom we all honor as Speaker of the House, the man who is Speaker of the House as to both sides of the House, the man whom the Democratic side have honored by presenting him and electing him as Speaker, whom the country is now favorably considering as candidate for President? [Prolonged applause and cheers.]

Mr. Speaker, the Democratic Party can make no better selection for its candidate than the present Speaker of this House. [Applause.] But is it possible that the Democratic side of the House that is in favor of the election and selection of our Speaker as President, where he will have the appoint-



ment of the great administrative forces of the Government, are not proud enough of him to let him select a committee which will pass upon the members of a committee of investigation?

Mr. MURRAY. Mr. Speaker—

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. I yield.

Mr. MURRAY. May I suggest to the gentleman from Illinois that there is one important distinction between the two propositions, from the fact that the Speaker has stated that he did not want to appoint the committee, whereas he has not said he would not accept a nomination for President. [Laughter and applause.]

Mr. MANN. The Speaker has not said that he will accept the Democratic nomination for President, but no one who knows him believes that he ever shirks a responsibility that is placed upon him. [Laughter and applause.] Do you think that if the House should authorize him to name the committee that he will shirk that responsibility? He has more courage and bravery than the whole balance of you on this question. [Laughter and applause.]

Mr. MOORE of Pennsylvania. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Pennsylvania?

Mr. MANN. I yield.

Mr. MOORE of Pennsylvania. Does the gentleman from Illinois think it probable that when the Speaker is elected President of the United States he will confer with a committee as to the selection of the members of his Cabinet and other officers of the Government whom he will have to appoint?

Mr. MANN. I do not think it is probable that he will ever be elected President. [Laughter.]

Mr. MURRAY rose.

The SPEAKER. Does the gentleman from Illinois yield to the gentleman from Massachusetts?

Mr. MANN. Yes.

Mr. MURRAY. Are we justified, Mr. Speaker, in taking the declaration of the gentleman from Illinois as an announcement of his own candidacy? [Laughter.]

The SPEAKER. The Chair can not answer that question.

Mr. MANN. Now, Mr. Speaker, we have entered upon an era of investigation. Numerous resolutions are pending in the House for the appointment of investigating committees. It is idle to say that every time there is a vacancy on a standing committee or a proposed appointment of a special committee a caucus shall be called of both sides of this House for the purpose of determining the membership of those committees. In a short time it would be impossible to obtain anything more than a bare quorum of a caucus.

But if the committee were to be appointed by the Speaker, it would be after every Member of the House had the right and the opportunity to talk with the Speaker about the membership of that committee, and the committee appointed by the committee to pass upon the committee to be elected by the House would protect, it seems to me, every position which has been taken by the most advanced theorist on the subject of the election of committees.

I think that the proper method is to say that any gentleman of the House at any time may offer a resolution for the appointment of the special committee which has been provided for by the House and have that resolution referred to a special committee, if the House is not willing in the first instance, as I am willing, to trust the appointment of the original committee to the Speaker. But gentlemen having commenced the plan of electing committees by the House have been tender on the subject. They know very well that the caucus selection of committees by the Democratic side of the House was only made possible without a row by unfairly increasing the membership of the big committees and taking the increase for themselves. [Applause on the Republican side.]

Mr. Speaker, I now yield five minutes to the gentleman from Wisconsin [Mr. COOPER].

Mr. COOPER. Mr. Speaker, the gentleman from Illinois spoke of the fact that I did not attend a caucus called by Republicans at the opening of this session.

Mr. MANN. I did not do it invidiously.

Mr. COOPER. Certainly not. I understand that. Mr. Speaker, I did not attend that caucus because I anticipated that, among other things, it might take some such action as that narrated by the gentleman from Illinois, to wit, conferring upon him the power to select the Representatives from this side of the House on select committees.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

The SPEAKER. Does the gentleman yield?

Mr. COOPER. Yes, I yield.

Mr. BOWMAN. I would like to ask why the gentleman did not attend that caucus to determine whether or not he might not, with others present in that caucus, have power to take some other action?

Mr. COOPER. Mr. Speaker, the gentleman comes from Pennsylvania, and I can well understand why the sacredness of a caucus appeals to him. [Laughter and applause.] I will, with pleasure, answer his question.

Mr. Speaker, there is a fundamental difference between a caucus and a conference. At a meeting called as a caucus those in attendance are considered as pledging themselves in advance to abide by the decision of the caucus majority, whatever that may be, and at the risk, if disobedient, of being branded as a violator of plighted faith and a party "bolter." But this is not true of a conference, a meeting which Representatives are free to attend, with every desire to do what is best for their party, but free, also, after it is over, to vote in the House as they believe, under their oaths, will be best for the country.

I will attend a conference and discuss policies, principles, and methods with my party associates, and I have no doubt that in a very large majority of instances I will vote as the majority may decide, but I will not go to a caucus and be understood as absolutely binding myself in advance to vote on the floor of the House as a majority of the caucus may dictate.

Mr. BOWMAN. Mr. Speaker, will the gentleman yield?

Mr. COOPER. Just a minute.

The SPEAKER. The gentleman declines to yield.

Mr. COOPER. Well, Mr. Speaker, if my time can be extended I will be very glad later to yield. When we had before us the famous emergency currency bill—

Mr. BOWMAN. Mr. Speaker, while the gentleman is talking about the other matter, will the gentleman yield?

The SPEAKER. The gentleman from Wisconsin declined to yield.

Mr. BOWMAN. I do not desire that he should leave the question—

Mr. COOPER. Oh, the gentleman need feel no anxiety about my leaving his question. I will answer it, if I can. If I can not, I will say so. But I can answer this question. When the famous emergency currency bill—

Mr. BOWMAN. Oh, you are some distance from the subject now. [Laughter.]

The SPEAKER. The gentleman from Pennsylvania will be in order. The gentleman from Wisconsin declines to yield.

Mr. COOPER. I do not know what the complaint is that the gentleman has, Mr. Speaker; but it is serious. [Laughter.]

Mr. BOWMAN. Will the gentleman yield for a question now?

Mr. COOPER. No; not now for a question.

Mr. BOWMAN. Will the gentleman yield?

Mr. COOPER. I might yield for an answer, if the gentleman would tell us what ails him. [Laughter.] I will ask the gentleman please to let me proceed for three minutes.

Mr. Speaker, to recur to the emergency currency bill, for it was while that bill was pending that the Republican majority deliberately and expressly recognized the difference between a caucus and a conference. We heard more than once on this floor during the last Congress that certain Members on this side of the House violated a caucus decree on that bill, and that that was one of the reasons why they were afterwards punished. The gentleman who made the speech repeated that statement several times. But the fact is that there was no caucus on that bill, but only a conference. The resolution presented by the gentleman from Illinois [Mr. PRINCE], still a Member of the House—I have a copy of it—provided in express terms that the meeting should not be a caucus and that any Representative in attendance upon that conference had the right to reserve to himself perfect freedom of action on the bill.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. I yield to the gentleman five minutes more.

Mr. COOPER. And so every man present at that Republican conference—originally called as a conference and expressly declared to be a conference by the vote of the meeting itself—reserved to himself the right to vote as he thought might be best for his party and for the country. And yet, Mr. Speaker, it was during the last Congress asserted on this floor that that meeting was a caucus, and that for not voting in the House as the caucus dictated Members had made themselves amenable to the power of the Speaker, and for that reason, among others, had been by him justly punished. That punishment and the reasons assigned for it make clear the difference between a caucus and a conference. Men held that to be a caucus, and assigned as a reason for the removal of men from committees



that they must be punished because they had disregarded a caucus decree.

As I have said, I will not pledge myself in advance to vote in the House as a caucus may dictate.

Mr. BOWMAN rose.

Mr. COOPER. One moment, I can not reconcile attendance upon a caucus, as so understood, with the oath we all take as Representatives:

You do solemnly swear that you will support and defend the Constitution of the United States against all enemies, foreign and domestic; that you will bear true faith and allegiance to the same; that you take this obligation freely, without any mental reservation or purpose of evasion; and that to the best of your ability you will well and faithfully discharge the duties of the office upon which you are about to enter, so help you God.

Think of a man taking an oath like that before God and his country, and then pledging himself in advance to vote as the caucus tells him to vote—

Mr. BOWMAN. Will the gentleman yield?

Mr. COOPER. His conscience may say no, his constituents may say no, his better judgment may be outraged, yet the caucus says vote it, and so he votes it. But does he keep his oath well and faithfully to discharge the duties of his office? No man, not even the gentleman from Pennsylvania, can defend the practice. Conferences, not caucuses, should be called for purposes of deliberation by the Members of the House of Representatives.

Mr. BOWMAN. Will the gentleman yield? [Laughter.]

Mr. COOPER. With pleasure.

Mr. BOWMAN. I will state to the gentleman that though a new Member of this House I attended that caucus, for information, as I believe a new Member should. I will say further that, though a Member from Pennsylvania, I represent as independent a district and am as independent a Representative as the gentleman who has spoken. Now, further to the question at issue. At that caucus there was a vote taken upon the question at issue, whether or not one man or a committee should select these committees, and though a new Member I spoke in favor of the selection of the committees by a committee. There was an election taken, and the result was 33 to 72, as I recall it. There was a number, I am informed, of those who call themselves progressives, I believe, who refused to attend the conference or caucus or whatever it may have been called. That would have made 50 who would have been in favor of a more general representation of the people. If those men had been present there would have been 50 to 72. There might have been some men on the fence who possibly would have been influenced to vote for what might be called the more progressive feature, if those who would have voted with us had been present, and we might then have had an opportunity of avoiding this controversy and waste of time which is taken up by this controversy.

Mr. COOPER. The gentleman misunderstands my position entirely. I do not doubt that caucuses sometimes declare for what would be best for the country, but I am unwilling absolutely to bind myself in advance to do what the caucus may dictate.

Frequently the decision of a caucus represents the judgment not of a majority, but only of a minority of the whole body. Let me give an illustration. Suppose there were only 100 Members of this House, 51 Republicans and 49 Democrats. Suppose that upon some new and important proposition the Republicans are divided, 26 in favor and 25 against. Suppose that the 49 Democrats also are against. Then, suppose that the 26 Republicans call a caucus and that all of the Republicans attend.

The SPEAKER. The time of the gentleman from Wisconsin has again expired.

Mr. MANN. Mr. Speaker, I yield five minutes more to the gentleman from Wisconsin.

Mr. COOPER. I am under great obligations to the gentleman. I will conclude in less time than that, I think. Twenty-six Republicans, forming a Republican majority, call a caucus. Every man attending it is under party rule and binds himself in advance to obey the caucus decree. Those 26 dictate how the 25 other Republicans shall vote. The 51 go into the House of Representatives and overwhelm the 49 Democrats, but it is not a majority of the representatives of the people which is legislating for the country; it is a small minority of 26 out of 100. This is legislation by caucus.

Ours is a Government of majorities, under the Constitution and the laws, but a government by caucus is very frequently government by a minority.

I have thus indicated the reason why I did not attend the caucus spoken of by the gentleman from Illinois. The gentleman who called that caucus knew what "caucus" meant. I

did not attend it. As a Representative in Congress my duty is to the whole country, and I can not consent to surrender my individual judgment and my vote to a party caucus.

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield five minutes to the gentleman from Wisconsin [Mr. LENROOT].

Mr. LENROOT. Mr. Speaker, I am in favor of the motion proposed by the gentleman from Illinois, because I believe of the three methods which have been discussed to-day for the selection of this committee that proposed by him is preferable. The action that we take upon this resolution is important, for, in all probability, it will create a precedent to be followed in the future. The three methods which have been proposed are, first, the motion of the gentleman from Texas [Mr. HENRY] nominating this committee, and if that resolution shall be adopted in that form we will have the precedent created that in the future whenever a committee reports a resolution for the creation of a select committee, the chairman of that committee shall have the right and authority to nominate members of the committee.

Now, I am opposed to that method, and it seems so clear that that ought not to be the method followed by the House as to require no argument. We all see readily the embarrassment of Members in the House, even though they have the right to amend, to offer amendments, unless there shall be a secret ballot, to nominations made by the chairman of any committee.

The second method is that of the selection by the majority and minority caucuses. Mr. Speaker, upon such a resolution as this I am opposed to the selection of committees by a caucus of either party. What political question is there involved in this resolution? If the Sugar Trust is violating the laws of this country, if additional legislation is necessary, are not Republicans as much in favor of that legislation as Democrats are? What political question is involved?

Mr. SHERLEY. Will the gentleman permit a question?

The SPEAKER. Does the gentleman from Wisconsin yield to the gentleman from Kentucky?

Mr. LENROOT. I do.

Mr. SHERLEY. Does the gentleman think that this special committee is so different from other special committees that a different rule shall pertain to the method of selecting its personnel?

Mr. LENROOT. I will say this, that as to a select committee having to do with matters of very great importance to the country, I think it is just as important, if the standing committees are to be elected by the House, that such select committees should also be elected by the House.

Mr. SHERLEY. The point I want to bring the gentleman's attention to is this, Is the work of this committee so freed of any partisan bias as to relieve it of any rule that might apply to other committees? Now, I want the gentleman, when he is differentiating between the various committees, to indicate what select committees he thinks ought to be appointed by an election and what ones should not; and I would like him also, in that connection, to say whether he considers the rule of the House providing for the appointment of select committees by the Speaker should be abrogated or not.

Mr. LENROOT. Oh, if this were a special committee having to do, for example, with the investigation of the tariff question, involving two great theories of government, that would be a committee where I would say the political questions are involved; but not in a case like this.

Mr. SHERLEY. Does not the gentleman conceive that there have been, and may be now, such political differences as to the treatment of trusts and as to the effect of the tariff on the formation of trusts as to present just such a case as he is suggesting in the case of the sugar investigation?

The SPEAKER. The time of the gentleman has expired.

Mr. MANN. Mr. Speaker, I yield to the gentleman five minutes more.

Mr. LENROOT. I would be glad if the gentleman from Kentucky [Mr. SHERLEY] would discuss that in his own time.

Now, I was stating, when I was interrupted, that I saw no possible political question involved in this resolution. If that be so, then it ought not to be a subject of political caucus action.

The third proposition is the one now before the House, proposed by the gentleman from Illinois [Mr. MANN], for the appointment of a select committee by the Speaker of the House, which shall nominate to the House the members of this committee. If this is adopted it will be an action by the House duly empowering—not as a political matter, but embodying the action of the House as a whole—the creation of a committee to make nominations to the House. I want to say, Mr. Speaker, that upon this question, if we are to go on here assuming that



these questions must be decided by caucus action upon one side or the other, we will not represent the country as this House ought to represent it. And to you gentlemen of the majority, if you shall proceed in the way that you are pointing now, I prophesy that you will be stranded upon the rocks if you will rest your case upon caucus action instead of considering these questions upon their merits, regardless of whether they arise upon one side of this aisle or upon the other. [Applause.]

Yesterday afternoon, just before adjournment, Mr. Speaker, we heard a great many gentlemen upon the other side of the aisle protesting against the resolution of the gentleman from Texas. The gentleman from Missouri [Mr. SHACKLEFORD] used this language:

I protest now, Mr. Speaker, in the name of the American people, that such policy as is now being inaugurated is un-Democratic and un-American.

Yet a little less than an hour ago we heard the same gentleman advocating the withdrawal of the amendment offered by the gentleman from Mississippi [Mr. Sisson] and the adoption of this pending resolution. Mr. Speaker, if that proposition was un-Democratic and un-American last night, is it any less so to-day? [Applause on the Republican side.]

The gentleman from Missouri said further that while he thought there was a mistake committed yesterday, "Let us go ahead and sin no more," thus admonishing his colleagues upon that side. But I want to remind the gentleman from Missouri [Mr. SHACKLEFORD] that his side has not sinned as yet. No one has voted upon this proposition. No error has been committed yet. It is for you to say whether you will adopt what the gentleman from Missouri says is an un-American and un-Democratic proposition, or whether you shall vote for the amendment proposed by the gentleman from Illinois [Mr. MANN]. It is not too late. You have not yet sinned. You have not committed any error as yet. The question is, Are you going to do so? [Applause on the Republican side.]

Mr. MANN. Mr. Speaker, I yield 10 minutes to the gentleman from Georgia [Mr. ADAMSON].

The SPEAKER. The gentleman from Georgia [Mr. ADAMSON] is recognized for 10 minutes.

Mr. MANN. Not that he is on my side. [Laughter.]

Mr. ADAMSON. Mr. Speaker, I am very much obliged to the distinguished leader of the minority for this courtesy. I can not support his proposition in this matter, and I am sorry to say I can support him in nothing else which he presents in his capacity as minority leader. Personally he is a very lovable and genial gentleman and does what is right. As a minority leader he is a most skillful attorney, managing their case, and not trying to harmonize and lead the Democracy to success, but endeavoring to minister to their dissensions and confusion. [Laughter.]

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. ADAMSON. I will yield to the gentleman.

Mr. McGUIRE of Oklahoma. I want to know whether the reasons the gentleman mentions were the reasons why the gentleman from Illinois recognized the gentleman from Georgia?

Mr. MANN. I might be glad to recognize the gentleman from Oklahoma if he could do as well.

Mr. ADAMSON. Mr. Speaker, I did not hear the reply of the gentleman from Illinois, but I have no doubt that it was appropriate. When the House adjourned yesterday evening I was claiming recognition by the Chair, and I felt like I was pregnant with celestial fire. I was cut off by adjournment and the speech died within me, and you no doubt know from experience how it feels to be done that way. It may be that if delivery had been permitted it would have been something less brilliant than stars, suns, and heavenly constellations. [Laughter.]

This morning I listened with great interest to the illuminating debate on this momentous question. I fear now that I will not be able to shed much radiance upon it. I did desire to make peace when it appeared that war was raging beyond control in the majority ranks through the temporary excitement and indiscretion of some of my sensitive and impulsive Democratic friends, feeling that I would like to pour oil on the troubled waters. You know that since the dissolution of the Standard Oil corporation oil ought to be cheap enough to spread over and compose a large expanse of tempestuous waters.

Mr. Speaker, I did not begrudge the temporary pleasure the minority was enjoying from the temporary discord on this side. God knows it is the first pleasure they have had since the extra session began. [Laughter and applause on the Democratic side.] They were wise to make the most of it while they could, for it was not long before the gentleman from Illinois came to the bat, and then they relapsed into discord and dissension on their side of the House. [Laughter on the Democratic side.]

Now, Mr. Speaker, the precedent which the gentleman from Wisconsin [Mr. COOPER] brings to the attention of the gentleman from Illinois is, in my judgment, an unhappy one, because it proves too much for the present purpose of the gentleman from Illinois. The gentleman from Illinois stated to us that he was invested by the Republican caucus with the power of making these selections himself. The general impression was and is that the majority caucus referred to by the gentleman from Wisconsin not only selected the members of the Ballinger committee for that side of the House, but went far enough to advise, revise, and dictate the personnel of those on this side of the House—then the minority also—and that would not suit the gentleman from Illinois in this emergency. He has good ground to object to caucus action, because he is already invested with power. Following that precedent would compel the Democratic caucus to nominate the entire committee.

The two gentlemen from Wisconsin do not seem to be disposed to favor the caucus because they are opposed to caucus action entirely. So the devil himself and 400 Philadelphia lawyers could not tell from the discussion what it is they want on that side of the House. [Laughter.] The gentleman from Illinois temporarily is willing to renounce the authority with which he is invested and to refer it to a special committee. The gentleman from Wisconsin [Mr. LENROOT] would go clear back to the beginning of species by electing a committee to elect a committee to select a committee subsequently created to select another committee, and where would the beginning ever be found and when would the investigation be commenced? [Laughter and applause.]

Mr. LENROOT. Will the gentleman yield?

Mr. ADAMSON. Certainly.

Mr. LENROOT. I do not wish the gentleman to be under a misapprehension. I am sure that the gentleman wants to be right. I am in favor of the motion of the gentleman from Illinois.

Mr. ADAMSON. With the addition that the gentleman from Wisconsin would like to have a committee elected to elect that committee and a committee elected to elect that committee and a committee elected to elect that committee, and a way on back to the origin of species; when would you ever start and when would you ever finish?

Mr. Speaker, what is there in this thing? Simply this: A Member of this House—there is no controversy about that—raises and offers a resolution to appoint a committee. The original Democracy was that everybody gathered in mass on the plain or under the trees and everybody voted and everybody spoke and everybody acted. What could more perfectly carry out the idea actuating the Democrats of electing committees than for a man to get up and say, I move to elect this man, and for another to get up and say, I move to elect that one, to offer amendments, or substitutes in whole or in part?

Any man who does not like these nine is at liberty to offer nine others, or to strike out one and offer one other. It is free and open. No efforts have been made to cut off amendments or debate. Some gentlemen say that Mr. HENRY, the gentleman from Texas, as chairman of the Committee on Rules, had assumed authority. Well, Mr. Speaker, if the gentleman from Texas got the first start and made the first motion, and no other Member tried to make the same motion or made any other motion, who is to blame for it; and if he did commit an indiscretion, as my good friend Judge SHACKLEFORD suggests, was not the remedy suggested by the criticism indulged in here worse than the disease? Is it not worse to get up here and have a wash day, in the face of the derision of our ancient foes on the other side, than it is to submit to that when nobody objects to a single name on the list proposed by the resolution? [Applause on the Democratic side.] It is dangerous to have a wash day in the presence of the Republicans. I do not mean to insinuate that they would flinch anything as small and insignificant as that, but there might be confusion, Mr. Speaker, and some of the linen might look dirty enough to appear familiar to them, and confusion of ownership might suggest identification and appropriation, and we would not like to get up troubles of that sort. Let me tell you the mistake my enthusiastic and conscientious and sensitive brethren made in jumping too heavily on Brother HENRY. One time when I was leading my young hopeful out by flowery paths and woodland ways a lizard ran up on my coat. My little fellow hauled off with a brick and hurled it at the lizard. He killed the lizard, but it almost killed me. [Laughter.] The correction was too severe for the evil; the treatment was too heroic for the disease. It is a "tempest in a teapot," "much ado about nothing," "great cry and little wool," "all fuzz and no feathers." Gentlemen made too much noise about the principle of the thing. Brother SHACKLEFORD was right in the beautiful speech he made this morning. It is admitted that all of these



are good men; it is admitted that, no matter whom the gentleman from Texas consulted, he offered nine good names. He did not consult me, but I forgive him. [Laughter.] It was his mistake in judgment. Very often we feel that other gentlemen fail to exercise sufficient discretion in estimating our importance and our consultability, but I do not cherish that.

I believe the nearest way and the best way and the wisest way out of this is either to vote for these nine or to offer some others right here in the open, and if I do not offer to improve the list I am going to vote for the list. [Applause on the Democratic side.] There is no necessity to refer everything to a Democratic caucus. The Democrats adopted the program of electing the standing committees, not because we were afraid to trust CHAMP CLARK with the naming of them. We did not believe that he would be as tyrannical a czar as the last three czars we have had, who were so naughty and bad in this House. We believe he would do well and right in every particular, but we were afraid when he got to be President that some Democrat of less ability and discretion might be Speaker, and could not do the job as well.

The evil aimed at was that the Speaker was, under the old plan, accused of packing committees, with a view to controlling legislation, and it was alleged that the favorites assigned to good committee places executed the wishes of the Speaker in promoting and suppressing legislation. We sought to correct that alleged evil by taking from the Speaker the appointment of the standing legislative committees. No such reason applied to the special committees incidentally or by routine raised from time to time in transacting the business of the House, so it was provided by rule, approved by the Democratic caucus, that when not otherwise provided by the House the Speaker should appoint special committees.

Now, in this case the House provided in a resolution that the committee of investigation should be elected by the House. That is what we are now doing, and if the minority will watch us right closely for a few minutes they will see us complete the election in fine form and in short order. When matters arise of sufficient importance, involving doubt or difference as to their merits, we refer them to the caucus.

But the Democratic caucus is too valuable an institution for us to abuse and weaken it by making it appear too common. To invoke its aid on trifling occasions and insignificant subjects might tend to cheapen and disparage its value and dignity. We do not claim that it is exactly sacred, but we regard it as essential to Democratic harmony and success, and we all know that they are essential to the political, material, and moral salvation of this country. Having completed the promised reforms in the organization of the House, the caucus will rarely be appealed to in the near future except for examining and lubricating the steam roller to make sure that it is kept in good order for use on an obstreperous minority. They used it so much and so indiscreetly before falling from their high estate in the majority to shrink into permanent position as the minority that it became rickety and disreputable. Several times it refused to work at all during the last Congress and recoiled on those who manipulated it so unwisely. We have repaired it and trained it to respond to the touch, execute good purposes, and run true and smooth to the appropriate obliteration of captious and partisan resistance to the people's will.

I have not meant to intimate that the Sugar Trust is unimportant. The caucus has given it attention and, if necessary, will give it more, which will result, we hope, in imprisonment of violators of the law, the removal of the differential on refined sugar, and a reduction of about 50 per cent in the duty on all sugar, thereby doubling the consumption of sugar without diminishing the revenue received therefrom for the Treasury.

I do contend, however, that the matter in hand is not of sufficient importance or doubt to demand a caucus. An investigation has been ordered. The gentleman from Texas [Mr. HENRY], chairman of the committee which reported that resolution, regarded it as his duty to suggest a committee, and he was right about it. It was his duty to take the initiative, and I do not think he did wrong nor merited any criticism in pursuing the course he adopted. Everybody admits that the Members selected and suggested in his resolution are proper men for the duty in hand. Their names were proposed to the House for selection in an open, legitimate manner, just as any Member had a right to offer them. All other Members may participate in any way they choose in this election. I think, however, it is well to adopt the advice of Judge SHACKLEFORD, and attend to this matter right now by adopting the original resolution without regard to the help or hindrance offered from the other side. When Democrats are in doubt they will be

wise to vote contrary to the propositions of the minority leader. That should become an axiom. If Brother HENRY did make any mistake, which I deny, you squeamish Democrats who criticize him would commit a greater blunder, if not a crime, to follow the misleading and disconcerting advice of the minority leader in preference to the counsels of Mr. HENRY. Now is the time to elect this committee, and it has been time for almost 24 hours. [Applause.]

The SPEAKER. The time of the gentleman has expired.

Mr. ADAMSON. Mr. Speaker, I am mighty sorry. I wish I had an hour.

Mr. MANN. Mr. Speaker, how much time have I remaining?

The SPEAKER. Five minutes.

Mr. MANN. Mr. Speaker, I wish to make this statement, especially in view of the fact that the gentleman from Kansas [Mr. MADISON], a member of the Committee on Rules, is one of the gentlemen recommended by me for selection on this committee, and is not present. No Republican who has been named on either of the committees made application to me for appointment on the committee, and no Republican, whether named or not named, made application to me for recommendation for appointment on the committees, although I discussed the committee membership with such of them as I had a fair opportunity to do.

Mr. RAINEY rose.

Mr. MANN. Do I understand my colleague desires to take the floor?

Mr. RAINEY. In my own right.

Mr. MANN. I understand. I thought possibly the House might prefer to have debate close on my motion. Mr. Speaker, I reserve the balance of my time.

Mr. RAINEY. Mr. Speaker, as a Democrat I feel under profound obligations to the other side of this House to-day. They have tendered us many suggestions as to the methods we ought to adopt in conducting the business of this House. We do not propose to accept any of them, and I am not under obligation to the gentlemen on the other side for the various suggestions of this character they have so kindly and in such a disinterested manner made. But I do feel obligated to them because their suggestions compel some of us on this side to feel reminiscent. I listened with considerable surprise to the ferocious address of the gentleman from Wisconsin [Mr. COOPER], and as I listened I remembered another occasion not long ago during the life of the last Congress when he stood right over there at the left of the Speaker and subjected various Republicans on that side to a species of cross-examination. "What committees did you serve on before you incurred the enmity of the Speaker of this House?" "What committees are you serving on now?" And the effect of his cross-examination was to indicate to this side of the House and to the country that the Speaker of this House had been given too much power; that because certain Members on that side had incurred his enmity, by virtue of his power to select committees, he had as a disciplinary measure deprived them of their principal committee assignments, and to-day, to my surprise, I heard the same gentleman from his seat proclaiming that we ought to recur again to the old method of selecting committees; that we ought now to permit the Speaker of this House to do it. [Applause on the Democratic side.]

In its last analysis this question seems to have resolved itself largely into just a question of ethics. There is no objection on either side to the personnel of either of these important investigating committees. Everybody admits that good selections have been made, and on this side we are simply insisting, a good many of us, that they ought to have been submitted to the Democratic caucus—the selection, at least, of the Democratic members. On that side I do not know what you stand for. With the greatest pleasure the minority leader acquiesced in the selection of these committees, suggesting the Republican members, as he admits, as I understand it, without consulting any of those who were selected, at any rate without being requested by any of them and without being requested by anybody else. He simply assumed the power of a czar on that side and exercised that power in a perfectly Republican manner, in a manner against which the people of this country rebelled, and on account of which they repudiated the Republican Party at the polls at the last election. On this side the chairman of the Committee on Rules consulted, as he says, and as I believe and all of us believe, 150 Members or so, and finally suggested the very excellent committee which it is proposed now to elect. The trouble with the gentleman from Wisconsin is, and the trouble with most of those Members who wish to be called insurgent Members is, they thunder tremendously in the index, but when it comes to the essentials upon which the Republican Party stands—and they were overwhelmingly defeated on the essen-



tials at the last election—they are always with the Republican Party, and in it with both feet.

Now, we do not care anything about the difference between a conference and a caucus. As I understand the difference, as explained by the gentleman from Wisconsin [Mr. COOPER], it is this: You can go into a conference and you are not bound by the action of the conference. You can go into a caucus and you are bound by it. In other words, the gentleman from Wisconsin and some of his associates can go into a conference on that side, discuss what they ought to do, and they can come out if they want to and vote against the majority of their party, and then they can go back to their constituents and get the votes of many Democrats and all the near Democrats because they insist they are standing for Democratic principles, and they get the votes of the Republicans because they insist that at the bottom, although they have made a big fuss about some absolutely immaterial question, at the bottom of it all they stand with the Republicans, and therefore these gentlemen in those near-Democratic districts come back to Congress and hold their places here. Why, as the result of the fight we had during the last session of Congress an unfriendly feeling developed on that side. It all grew out of the power of the Speaker to appoint committees, and the Speaker went to New York or Boston and is reported in the papers as saying some things that, at least, sounded unkind about the insurgent Members of this House. I refer to the former Speaker of this House.

He said that they were in rebellion; that there was not at that time a coherent majority in the House; that they were in rebellion; that they ought not be shot, as that was too honorable a death, but that they ought to be hung, because they were traitors. And we find these two gentlemen from Wisconsin standing here to-day advocating the very policies they branded and held out to the country that they were opposed to during the last session of Congress. There are no insurgent Members any longer. You are all together, and we know it.

This pretended fight over there can not divide the Democrats on this side. We are in favor of caucuses. We realize the fact that we are in a transition period at the present time, so far as the selection of committees is concerned. The Democrats have given to the Ways and Means Committee of this House the right to nominate the majority members of all the standing committees of the House, and we have brought those recommendations before a Democratic caucus; and I do not divulge secrets when I say that that Democratic caucus was more harmonious than any Republican caucus has been for the last 10 years.

Let me assure you, gentlemen, that there are no divisions on this side. We are not trying to get apart on this side. We are trying to get together, and the only discussion here has been a discussion as to what we can do that will enable us to get closer to the people. That is the discussion on this side. You have not any discussion of that kind on your side.

The minority leader admits and proclaims here most vigorously—and no one can proclaim more vigorously than he—that he is in favor of the method of selecting committees which in its last analysis gives to the Speaker the right to do it. Why, as a result of your pretended controversies on this matter last fall, we swept the country and our candidates were elected in order to get rid of a party which gave too much power to the Speaker. We are not going to follow your advice in that particular or in any other particular at the present time. [Applause on the Democratic side.] We have no trouble here in getting together. Those of you who were Members of the Sixty-first Congress remember the dissensions in that Congress which led to the Republican defeat in the last election.

And you new Members know why you are here. You are here because of dissensions in Republican ranks. The question submitted to you now is not a question of ethics, but the question submitted to-day is whether or not we will sustain the action of a Democratic committee of this House.

Mr. BOOHER. Mr. Speaker—

The SPEAKER. Will the gentleman from Illinois [Mr. RAINEY] yield to the gentleman from Missouri?

Mr. RAINEY. I will.

Mr. BOOHER. Did not the gentleman from Texas expressly disclaim that his resolution was the result of the action of the Committee on Rules, and that he presented it here on his own individual motion and initiative?

Mr. RAINEY. I heard the statement made by the gentleman from Texas, the distinguished chairman of the Committee on Rules, and I heard him say that he consulted a great many Members, at least 150 on this side, in arriving at the conclusion as to who ought to be the Democratic members on that committee, but on that side the minority leader consulted none.

Mr. BOOHER. Now, the gentleman has said that the distinguished chairman has consulted 150 Democrats. He said that on the floor, but it is not in the Record.

Mr. RAINEY. I did not read the Record.

Mr. BOOHER. I have.

Mr. HENRY of Texas. If the gentleman will yield for a minute, I said that I consulted all the Democrats I could conveniently reach about this resolution, and, from first to last, in discussing the resolution and the personnel of the committee, I think I talked to at least 150, but to be conservative I put it "a great many of them," and I had no desire to overlook any Members. And there was no intention on my part of trying to assume any authority. I was simply endeavoring to settle this in behalf of the Democratic Party, and, therefore, in behalf of the country.

Mr. BOOHER. The gentleman from Illinois [Mr. RAINEY] was stating that he was in favor of supporting the action of a Democratic committee. However, this motion does not come from the Committee on Rules, according to the statement of the gentleman from Texas [Mr. HENRY] himself, the chairman of the Committee on Rules.

Mr. RAINEY. I heard no protest from the Committee on Rules.

Mr. LENROOT. Mr. Speaker—

The SPEAKER. Will the gentleman from Illinois yield to the gentleman from Wisconsin?

Mr. RAINEY. I will.

Mr. LENROOT. I was greatly interested in the gentleman's observations as to selection of committees. I would like to know if he voted for the Democratic rule providing that all Democratic committees shall be appointed by the Speaker unless otherwise ordered by the House?

Mr. RAINEY. I voted for the rules adopted by this House.

Mr. LENROOT. The gentleman knows that is one of the rules?

Mr. RAINEY. I voted for and supported the idea that the Democratic members of the Committee on Ways and Means should make recommendations to this caucus, and I supported and voted for the principle that, upon the question of selecting standing committees of this House, so far as the Democratic Members were concerned, the Democratic caucus should prevail.

We believe in caucuses on this side. It is the way to bring about united Democratic action. We believe if 10 or 12 Members on this side of the House are not in accord with the rest of them, are not in accord with the other 200 and more, that the other 200 or more that attend that caucus come nearer being the Democratic Party than the 10 or 12 who do not agree with them, and so we all get together. [Applause on the Democratic side.]

Now, on account of your personal interests, you Republican insurgents who come from the Northwest, including both gentlemen from Wisconsin, you proceed upon the theory that you must keep up the pretense of opposing vigorously the action of your party in nonessentials. We gave you the opportunity—the Committee on Ways and Means did—of acting as a separate organization in this House. We were willing at any time to recognize you and appoint from your number the minority members to which you are entitled. Although you opposed vigorously the old method of selecting members of these committees, you crawled back into the Republican caucus and abided by the result of that caucus, and without protest you let the minority leader suggest the Republican membership of all committees and of this particular committee. You are not objecting here even now. The trouble with the insurgent Republican Members of this House is that they are simply fighting to get Democratic votes and near-Democratic votes. [Applause on the Democratic side.]

Mr. LENROOT. Will the gentleman yield for a question?

Mr. RAINEY. Yes.

Mr. LENROOT. I want to ask the gentleman whether he is aware that his Democratic rules now provide for the appointment of select committees by the Speaker?

Mr. RAINEY. Well, the Democratic caucus proposes hereafter in important matters to select the select committees, and if they are selected by the Speaker, the Speaker having already taken his position on that question, he will do it after consultation with the Democratic caucus.

Now, I yield to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. A few minutes ago, while the gentleman from Missouri [Mr. BOOHER] was on the floor, I wanted to ask a question. There seems to be a difficulty about a difference in terms without any difference in substance. I want to suggest to the gentleman that as I understand the statement of the gentleman from Texas [Mr. HENRY] it is that after consulta-



tion he offered this resolution as a Representative of the eleventh district of Texas, but that he does and did know that all the members of his committee indorsed the resolution and agreed with him about it.

Mr. RAINEY. I thank the gentleman for his suggestions in this connection.

Now, the gentleman from Wisconsin [Mr. LENROOT], who interrupted me a while ago, gave to the Democrats some excellent advice. He advised them, in effect, if I understood his advice, that the Democratic Party would go on the rocks if they depended upon caucus action. He further advised us that it is not yet too late for us to change our opinion and return to the old system which he himself denounced during the last Congress. We do not intend to do it. We intend that the majority shall continue to rule.

These investigating committees are not important, in view of the recent decision of the Supreme Court of the United States. I do not believe under the present law, as construed by the Supreme Court, that the time will ever come when the Supreme Court of the United States will hold that any other corporation than the Standard Oil organization is in "unreasonable" restraint of trade. There are no teeth in this resolution we are considering now. I know there are no teeth in it, because it seems to meet with the unanimous approval of the Republican side of this House.

I want to say to gentlemen on the other side that there will come a time in the future—if this special committee finds that it can not investigate things which the people of this country want investigated—I say there will come a time when there will be an investigation that will have teeth in it, and we do not expect to have it receive the support of the minority members of the Committee on Rules or the minority members of any other committee in this House. We propose on this side to investigate the thieves who are at the head of the Sugar Trust, and I am afraid you can not do it under this resolution. The only thing that this resolution does is to find out, after taking evidence, whether or not there is a trust and suggests means of prosecuting it, to investigate the evidence which everybody knows already exists. This investigation ought not to last very long, and its results, in view of the recent action of the Supreme Court of the United States, will not be important.

I have been something of a prosecutor on this floor, in Sugar Trust matters, and I want to corroborate what the gentleman from New York [Mr. FITZGERALD] stated when he said that he furnished me with much important material which I used in my speeches, although he represents that district in New York in which is located a great plant for sugar refining.

Mr. FITZGERALD. The Arbuckle plant.

Mr. RAINEY. Yes; the Arbuckle plant. I have made a number of speeches on this floor in relation to this matter. We all know there is a Sugar Trust. We all know and the country knows that the directors of that Sugar Trust stole from the Government thousands of dollars a day for years. The country knows it because the directors have admitted that they did it. They admitted that they kept in their Wall Street office a set of books bound in red and another set in black; one set representing the incorrect weights on the Government scales and the other set representing the correct weights on the city scales. So they knew every day how much they had stolen, and they knew when they had stolen the \$5,000,000, of which they refunded a part. The entire country knew it, and the country knows that the period for prosecuting these millionaire Sugar Trust directors, who are no longer merely millionaire directors but millionaire thieves, will end in November, 1912, when the statute of limitations becomes a complete bar, and while the present Attorney General of the United States still occupies his position.

I have not introduced any Sugar Trust resolution at this session because I have appeared so vigorously on this floor in the rôle of a prosecutor of the Sugar Trust, but if this investigation does not take the direction of bringing out evidence as to who these millionaire thieves are that stole the money, I propose myself to introduce a resolution, and have a Democratic caucus pass upon it as to whether or not it ought to be submitted to this House, and a committee appointed under it to investigate the stealing by these thieves. That is what we are after.

Mr. SIMS. Will the gentleman yield?

Mr. RAINEY. I will yield to the gentleman.

Mr. SIMS. Then, as I understand the gentleman, this resolution is in the nature of an exploratory investigation and not of much importance?

Mr. RAINEY. I understand this investigation is for the purpose of ascertaining whether there is a Sugar Trust, the effect it has upon sugar in raising prices, its effect in crushing out com-

petitors, and for the purpose of suggesting remedies and amendments to laws now on the statute book in order to reach this trust.

Mr. SIMS. Why not amend it so as to get what the gentleman from Illinois desires?

Mr. RAINEY. The resolution has been adopted by this House. We are now selecting a committee to investigate under the resolution, and that is all.

Mr. SIMS. I do not see any use in having two investigations if one will do the work.

Mr. RAINEY. If this does the work it is satisfactory. If it does not do the work, I will introduce another resolution and insist upon getting at the bottom of the Sugar Trust thefts.

Mr. SIMS. Then I understand this is only an exploratory resolution.

Mr. RAINEY. It does not purport to be merely that; it purports to be what I have stated.

Mr. McGUIRE of Oklahoma. Will the gentleman yield?

Mr. RAINEY. It may be broad enough to investigate these thefts. I sincerely hope it will. If it is not broad enough there will be a resolution introduced that will be broad enough. I now yield to the gentleman from Oklahoma.

Mr. McGUIRE of Oklahoma. I understood the gentleman a moment ago to state that everybody knew there was a Sugar Trust, and that there was no question but that there was a Sugar Trust—

Mr. RAINEY. I will make an exception—

Mr. McGUIRE of Oklahoma. And later there will be a resolution introduced with teeth in it to investigate the thieves at the head of that trust.

Mr. RAINEY. Yes; I did say that.

Mr. McGUIRE of Oklahoma. If the gentleman knows there is a Sugar Trust, and if at some time there is going to be a resolution introduced that will mean something, why not introduce a resolution now that will mean something?

Mr. RAINEY. Oh, I will make an exception in favor of the gentleman from Oklahoma. Perhaps he does not know there is a Sugar Trust. I am not responsible for the things the gentleman from Oklahoma does not know, thank God. [Applause on the Democratic side.]

Mr. McGUIRE of Oklahoma. Well, the gentleman from Oklahoma did not say—

The SPEAKER. Does the gentleman yield?

Mr. RAINEY. Yes.

Mr. McGUIRE of Oklahoma. The gentleman from Oklahoma did not say that he did or did not know that there was a Sugar Trust.

Mr. RAINEY. Does the gentleman know it?

Mr. McGUIRE of Oklahoma. I do not know anything about it. I believe there is, and I think I know as much about it as the gentleman from Illinois.

Mr. RAINEY. Well, a great many Members of Congress have, during a long period of service, been studying this question, but the gentleman from Oklahoma is the only man I have ever heard who is willing to admit that after serving here for eight years he does not know anything about it. We are not going on the rocks—

Mr. McGUIRE of Oklahoma. Will the gentleman permit another question?

Mr. RAINEY. Yes.

Mr. McGUIRE of Oklahoma. If the gentleman knows it, why does he not introduce his important resolution or his resolution which he states will have teeth in it now without delay? I am just as anxious to have the Sugar Trust investigated as anybody, not excepting the gentleman from Illinois.

Mr. RAINEY. I thank the gentleman for his conversion to Democratic ideas and ideals.

Mr. McGUIRE of Oklahoma. Is that a conversion?

Mr. RAINEY. And I hope it will last long enough so that he can help us get some of these fellows in jail who ought to be there. Submit one of your own to investigate the Sugar Trust, if it is in harmony with the Republican principles for which you stand. [Applause on the Democratic side.] If it is a resolution with plenty of teeth in it, I will support it most vigorously upon this floor.

Mr. McGUIRE of Oklahoma. I would submit one, if I believed for a moment that the gentleman would support anything coming from this side, no matter how meritorious.

Mr. RAINEY. Oh, I seldom see anything meritorious coming from that side, and I never have seen anything with real merit come from the gentleman from Oklahoma. [Applause and laughter on the Democratic side.]

Mr. McGUIRE of Oklahoma. I am not responsible for the many things that the gentleman does not see and the many



good things that the gentleman does not understand. [Applause on the Republican side.]

Mr. RAINEY. Well, you can not see something that is not there. Now, we are not going to go upon the rocks, and the gentleman from Wisconsin need have no fear on that point. In future the sentiment seems to be unanimous on this side of the House to submit matters of this kind to a Democratic caucus. I hope not to a Ways and Means Committee, which is already burdened with too much work. Gentlemen may expect that to occur in the future, and those gentlemen on that side who are congratulating themselves upon a division in the ranks on this side will find this side, I think, marching solidly shoulder to shoulder at the present time and at all times in the future under Democratic banners. [Applause on the Democratic side.] We propose, after having given out this warning to the chairmen of all committees of this House, after having given this warning on this floor, to support this most excellent resolution [applause on the Democratic side] and to put it through. You have not found any fault whatever with the Democratic members on this committee as proposed by this resolution, and we have not found any fault with them either, and we have not found any fault with the Republican members, and I have not heard any Member on that side find any fault with them. We have occupied now many hours in the discussion of this question, and we propose now to support this resolution because it is tendered by a chairman of an important committee of this House. If we had any fault to find with any of these members, you need not be afraid, any of you, we would make the motion on this floor to amend this resolution and to submit the name of some one else. If you have any fault to find with it, why do you not do the same thing, but you say this committee must be selected by a special committee here of 15. To be appointed how? By the Speaker of the House, an indirect way of having this committee selected by the Speaker, an indirect way of doing that which has been most overwhelmingly repudiated by the people at the polls.

We are electing them now from the floor. Hereafter we will elect the Democratic members of committees from this floor, and we will do it after submitting the whole question to a Democratic caucus of this House. Then we will come in and elect them. That is the way we propose to do it in the future in important matters, just as we select now members of standing committees and—

Mr. SIMS. Will the gentleman permit a question?

Mr. RAINEY. The gentleman who interrupts me now has contributed much in this House—more than any other one man—to bring about the present state of facts with reference to the selection of standing committees. [Applause on the Democratic side.]

Mr. SIMS. I want to say, simply, that I heartily agree with what the gentleman is saying, and I hope the assurances the gentleman gives will be literally carried out. But how can the gentleman, myself, or anybody else prevent gentlemen getting up on the floor of the House and making a suggestion, by way of a motion, as to what men shall go on committees and force a vote, if it is a matter of privilege?

Mr. RAINEY. We may not be able to prevent it, but we expect to select these important committees in caucus hereafter; and I notice that those Members on this side of the House and Members on that side who have opposed the resolution of the chairman of the Rules Committee have almost universally been those Members who are in favor of permitting the Speaker to select the committees. But just at the present time they happen to be in the minority on this side, and I thought they were in the minority on that side, but they do not seem to be.

Mr. SHERLEY. Will the gentleman permit a question?

The SPEAKER. Does the gentleman yield to the gentleman from Kentucky?

Mr. RAINEY. I do.

Mr. SHERLEY. If I understood that gentleman rightly, he—speaking for himself and, as he believes, voicing the sentiment of this side of the House—states that the present rule, which makes it the duty of the Speaker to appoint select committees, will be abrogated, so that they will be selected by the House as a result of caucus action.

Mr. RAINEY. Oh, I think the rule in terms states that they are to be selected by the Speaker, but the Speaker will do it after consulting with the caucus.

Mr. SHERLEY. I am simply asking the gentleman—

Mr. RAINEY. I think the rule is that they be selected by the Speaker "unless otherwise provided."

Mr. SHERLEY. Now, is it the gentleman's idea that it shall in all instances be otherwise provided?

Mr. RAINEY. Well, it looks to me like the sentiment of this House is in favor of a Democratic caucus hereafter being consulted in the matter of selecting the majority members of important special committees.

Mr. SHERLEY. I just wanted to get the gentleman's position plainly stated.

Mr. RAINEY. The gentleman has a right to his conclusions in the same matter. I only speak for myself, and my judgment is not any better and usually not as good as the gentleman's—

Mr. SHERLEY. I thank the gentleman for his compliment, but I simply wanted to get the gentleman's position accurately stated.

Mr. MANN. Will the gentleman yield for a question?

Mr. RAINEY. With pleasure.

Mr. MANN. The gentleman speaks with considerable authority on that side of the House and I have the greatest respect for his opinion. He has stated how in the future select committees would be appointed through a Democratic caucus.

Mr. RAINEY. I have given my opinion in reference to it; that is all, I will say to my colleague.

Mr. MANN. I understand; but I think the gentleman speaks with considerable authority. I wish to ask, so that we may not get into this condition again about the proposition, whether he thought that same condition would apply to the appointment of conference committees. The rule in reference to select committees and conference committees is the same rule. The gentleman intimated perhaps hereafter select committees would be selected by the Democratic caucus. Will the conference committees also be selected by a Democratic conference?

Mr. RAINEY. I do not care to discuss that phase of it. The question may come on some time in the future, but the important question now from the standpoint of Democrats who have just won a tremendous victory at the polls, the important thing now is to stand together shoulder to shoulder in this House [applause on the Democratic side], and prove to the country that although we may differ here in matters of ethics that when it comes to action the Democratic Party is united. We do not propose to go upon the rocks. You did that in the last Congress by not being united. We are united now, and I simply suggest, it is my opinion only, that we proceed now to elect this committee, the personnel of which is all right. [Applause on the Democratic side.]

The personnel of the committee is all right. The methods to be adopted hereafter we can determine when the time comes, and, speaking for myself, I can say I do not believe it will be done in this manner. I know the difficulties the chairman of a committee has in suggesting appointments to any committee. I have had some experience myself, and I want to compliment the distinguished gentleman from Texas [Mr. HENRY], the chairman of the Committee on Rules, for the excellent selections he has made for the Democratic side of this committee. Now, I do not desire to take up more time, and I yield the balance of whatever time I may have left to the gentleman from Alabama [Mr. UNDERWOOD]. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Speaker, I desire to ask how much time there is remaining.

The SPEAKER. There are 20 minutes remaining. The gentleman from Alabama is recognized for 20 minutes.

Mr. UNDERWOOD. Mr. Speaker, I do not intend to take up the time of the House to any great extent. I will say the position of the majority of this House with reference to the selection of committees is clearly and fully defined in the rules of this House adopted by it on the motion of the majority. The Democratic Party stands for the selection of the standing committees in this House by the House, and so far as this party action is concerned, it stands for the selection of those committees by a party caucus recommended by one of the standing committees of the House.

Now, as to the special committees of the House, it would simply be absurd to say that every special committee that this House has to appoint shall be selected by the House. [Applause on the Democratic side.] The rules we have adopted recognize that absurdity. Do you want the House to stop in its proceedings every time a conference report comes in here and go into the election of three men on a conference committee? It would be a matter of absurdity. It would waste the valuable time of this House, costing the country thousands of dollars.

Now, what have we done in our rules? We have said that a special committee, like the committees being selected to-day, reported by a conference and by minor committees, shall be appointed by the Speaker of the House, unless the House determines otherwise. Now, what do we do?



The rules made by that side of the House in the last decade gave absolute power to the Speaker to appoint the special committees of this House and did not give the House the right to take that power away from him under any circumstances. The gentleman from Wisconsin, who sits before me, knows that it took a resolution in this House on one occasion within the last two years to take the power away from him. Now we have met that sentiment. We have said that the Speaker shall have the right to appoint these necessary but largely unimportant committees in order that the business of the House may be expedited; but when a matter of great importance comes before this House, a matter in which the personnel of the committee may mean great things to the American people, this House has the power by resolution of the committee to take the right of appointment away from the Speaker and elect its own committees.

Now, we expect in the future, so far as the special committees of the House are concerned, committees that are unimportant, or committees possibly sometimes of importance, where there is no real division, to go on and allow the Speaker to appoint them, realizing that at any time we have the power on the floor of this House to reach to that desk and take the power of appointment away from the Speaker. It is an orderly way in which to do business, and that is the way the country wants us to do business.

Mr. MONDELL. Will the gentleman yield?

Mr. UNDERWOOD. Certainly.

Mr. MONDELL. Under the plan which I understand has been adopted, and to which the gentleman has referred, who is to decide on that side as to when such a situation is reached of sufficient importance as to demand or require the action by the House rather than by the Speaker?

Mr. UNDERWOOD. The House itself. The House decides in this case.

Mr. MONDELL. But it was not the House that offered this resolution, but a member of the House.

Mr. UNDERWOOD. The gentleman has been asleep for a week or two. He should wake up. Within four or five days the Rules Committee brought a resolution before this House providing for the selection of a committee to investigate the Sugar Trust.

If they had brought that resolution in here and said nothing about the appointment of the committee, under the rules of the House the power to appoint the committee would have rested in the hands of the Speaker of the House. But that resolution in so many terms provided that the House should select the committee. Therefore, by the action of the House, in accordance with the rule which says that the Speaker shall appoint unless the House directs otherwise, in compliance with the terms of that rule, the House by that resolution directed otherwise, and the matter is now before the House for action.

Mr. MONDELL. Mr. Speaker, just one more question. I am not quite as wide awake as my genial friend from Alabama [Mr. UNDERWOOD], but I am sufficiently awake for the perception of some things. I want to remind the gentleman that the nomination of a committee by a chairman of a committee of the House is equivalent to the selection of the committee by that chairman, and not by the House, and the gentleman well knows that; so that while you have possibly followed the form of your resolution, yet as a matter of fact the committee is to be appointed by the chairman of the Committee on Rules.

Mr. UNDERWOOD. I will say to the gentleman from Wyoming that I was coming to that. I simply wanted to state the situation under the rules of the House. And I want to say that in the future, so far as I am concerned, in most cases I think it advisable for the Speaker to exercise the power of appointing the small special committees and thus not delay the House in the consideration or the appointment of those committees. But other cases may arise in the future—a case arises now—where the House may feel that it should exercise the power of appointment or election itself. Now, it is written in the rule that the majority may at any time exercise that power and elect a committee. Now, as to the election of these particular committees, I think it is wiser, as a family affair concerning those on this side of the House, for us to go into the caucus and select the men that we want to represent us on the committees of the House, because there is more freedom of debate in our caucus and less discord when we go into the family caucus and select our own men.

Now, I am perfectly willing to accord that right to the other side. So far as I am concerned, I will say to gentlemen on the Republican side, I do not desire to cross that aisle for a moment and attempt to dictate to your side how you shall select the men who go on the important committees of this House to represent you. If it is the sentiment on your side

that one man shall select the minority membership, so be it. You are responsible to the country for what you do. We are not. If you want to elect them by caucus, do so, and we will recognize your action. There can not come any complaint from this side of the House as to that. For the first time in the history of this Government the majority of the House of Representatives has said to the minority, "Name your men on the committees of this House." [Applause on the Democratic side.] And we have elected them without the dotting of an "i" or the crossing of a "t."

Mr. SIMS. Mr. Speaker, I just wanted to ask the gentleman this question: Is the Speaker to be censured for simply waiving what he has the right to do and submitting it to the House? Is he not to be commended for it?

Mr. UNDERWOOD. The Speaker did not surrender it. The House took it away from the Speaker by a resolution brought in here on the floor of the House. The Speaker did not surrender it. The House itself brought in a resolution before this House and said the Speaker should not appoint the committees.

Now, as to this resolution I want to say this: I think, with respect to important special committees that the House desires to select, that it is probably wiser for us in the future to go into a caucus and let the caucus determine the action, where we can all get together and have absolute freedom of action.

There is no complaint against the personnel of this committee, either coming from that side or from this side. The resolution has been offered, there is no gag rule, everybody has had a chance to get up and take the floor, and any man that has had the floor yesterday or to-day could have moved to strike any name from this resolution that he wanted to and put another in its place. Now, when this resolution has been under debate for a day and there has no man arisen in his place and moved to strike a name from the list and substitute another in its place, I say to you that the time has come to act; the time has come for this side of the House to pass this resolution as offered by the gentleman from Texas and vote down the proposition of the gentleman from Illinois. [Applause on the Democratic side.]

Mr. FERRIS. Will the gentleman yield?

Mr. UNDERWOOD. I will.

Mr. FERRIS. Personally I am not so concerned about the form in which this is presented. I believe there is no objection to the personnel of the committee, but there has been from quite a reliable source a serious attack on the resolution itself. I wish the gentleman would take a moment's time and give us the benefit of his investigation of the resolution as to whether or not it will accomplish anything, because if the resolution is inoperative and of no effect, it would materially affect my vote and, I think, the votes of some other Members.

Mr. UNDERWOOD. I will say to the gentleman from Oklahoma that the resolution itself has been passed and has been a law for a week.

Mr. FERRIS. I understand that.

Mr. UNDERWOOD. In the rush of other business I have not given the resolution that careful consideration which I otherwise would. I am not very familiar with its terms. It may not go as far as you or I might desire it to go, but it certainly goes to this extent, and there is no question about it: It sends out a committee of this House to determine whether the Sugar Trust is standing in violation of the Sherman antitrust law. If that committee comes back and reports that it is, and the majority of this House adopts that report, it puts the executive branch of this Government on notice that something must be done. [Applause.] Therefore I think it is well worth our going into.

Mr. MARTIN of Colorado. Mr. Speaker, will the gentleman give me a moment to explain my position?

Mr. UNDERWOOD. I yield to the gentleman.

Mr. MARTIN of Colorado. I wish to make a statement as to my position, that it may be put before the House. I am not complaining that I have had no opportunity to be heard on the floor on this matter, and I am not objecting to the personnel of this committee.

But I want to say that certain influential people in my State were very desirous that I should be consulted in the make-up of this committee. They felt that they had a large interest at stake in this question, and I was assured by those that I thought in a position to give me the assurance that I would be consulted. I told them that it was imperative that I should be. I assured these gentlemen from my State that I would be consulted, and now I am placed in a position before them of not having been consulted, and perhaps of not having sufficient influence or standing as a Democratic Member of the House to be consulted in a matter in which my State was vitally interested. That is what I am complaining about. [Applause.]



Mr. UNDERWOOD. I will say to the gentleman from Colorado that I think the wiser course to pursue where the right of selection of committees falls to the House is to carry the matter to a caucus, and I believe that will be the course pursued hereafter.

Mr. MARTIN of Colorado. The gentleman can understand my position, and will see that Democratic Members can not afford to be put in such an embarrassing position as to be represented at home as not having sufficient influence to be consulted about important matters affecting their State.

Mr. UNDERWOOD. I do not take that view of it.

Mr. HENRY of Texas. I want to say that I do not know whether the gentleman from Colorado refers to me as not having conferred with him or not.

Mr. MARTIN of Colorado. I did not know that the gentleman or his committee was going to have anything to do with it.

Mr. HENRY of Texas. I say to the House candidly that the gentleman's colleague, Mr. TAYLOR, spoke to me about this matter and requested that I take certain action. I considered the Colorado delegation in making up this committee, and at one time the gentleman from Colorado [Mr. MARTIN] was to be a member of this committee.

Mr. MARTIN of Colorado. Would the gentleman allow me to make an observation that fits in there, because what the gentleman has just stated is indeed news to me? I never knew until this moment that I had been considered at all as a possible member of this committee, and I want to say in that connection, to be perfectly frank with the gentleman, that while the beet-sugar interests of Colorado, who want a sweeping investigation made, did want me to be a member of that committee, I did not myself want to be a member, because I felt I had my hands full of other work, with a War Department investigation ahead, but I am still more astonished that I was not consulted about it, when the gentleman says that at one time I was tentatively decided upon as a member of this committee.

Mr. HENRY of Texas. Mr. Speaker, I will simply say that I did consult some of the Colorado gentlemen, and did the best I could. We put on a Representative from the Pacific coast to represent the beet-sugar industry and interests. There was no personal intention of overlooking the gentleman or anyone who should have been consulted on account of his district, State, or the constituency he represents.

Mr. MANN. Will the gentleman yield for a short statement?

The SPEAKER. Does the gentleman from Alabama yield?

Mr. UNDERWOOD. Yes; though my time is almost up.

Mr. MANN. I have three minutes left, and I will yield them to the gentleman if necessary. I think it is fair to state to the House, and nothing improper about it, on this question of the beet-sugar interests, that several gentlemen spoke to me from the Democratic side of the House, from the so-called insurgent side of this side of the House, and the so-called regulars of this side of the House, suggesting that in making recommendations I should put on a beet-sugar man—in other words, some one representing a beet-sugar district or a State, which I did in naming Mr. FORDNEY, the gentleman from Michigan. I think that one of the suggestions came from the gentleman who is now named for chairman of the committee, and possibly also from the gentleman who introduced the resolution, Mr. HENRY of Texas.

Mr. UNDERWOOD. Mr. Speaker, in conclusion I merely have to say this: This House has had absolute free consideration of this committee. As I said before, no man on that side of the House, although they have had the floor and every opportunity to do so, has risen in his seat and moved to strike out a name and put the name of some one else in.

Mr. MURDOCK. Will the gentleman yield?

Mr. UNDERWOOD. If it is not for a question.

Mr. MURDOCK. That opportunity has not been presented as yet, I will say to the gentleman.

Mr. UNDERWOOD. Oh, the gentleman is not advised as to the parliamentary situation. His side of the floor has had ample opportunity whenever they have had the floor to move to amend this resolution.

Mr. MURDOCK. On the contrary, the Speaker ruled that no Member had, while another motion taking precedence had the floor.

Mr. UNDERWOOD. Well, the resolution that took precedence came from that side of the House.

Mr. MURDOCK. I think it came from the other side.

Mr. UNDERWOOD. The only amendment pending is the amendment offered by the leader of the minority. It comes from that side of the Chamber.

Mr. MURDOCK. Mr. Speaker, the gentleman will permit that point to be cleared up, I am sure. The motion to refer by the gentleman from Mississippi [Mr. Sisson] was withdrawn, and

immediately after it was withdrawn a motion to have a committee appointed by a select committee took its place, and has shut off the motion which will come later to substitute one name for another.

Mr. UNDERWOOD. The motion that shut off the amendment did not come from us; it came from the leader of the minority.

Mr. MURDOCK. However, it did preclude the motion to strike out, which may come later.

Mr. MANN. Let me suggest, unless the previous question is ordered the opportunity will be presented.

Mr. UNDERWOOD. Mr. Speaker, we have had two days of debate on this question, or a part of yesterday and to-day, and I move the previous question on the resolution and amendment.

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry. If the previous question is now moved, is a motion to strike out and insert precluded?

The SPEAKER. If a motion for the previous question is adopted, undoubtedly it precludes amendment.

Mr. MURDOCK. Then, Mr. Speaker, I demand the ayes and nays on ordering the previous question.

Mr. COOPER. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER. As to the resolution or motion before the House, I just understood the gentleman from Kansas [Mr. MURDOCK] to say that the motion now before the House is the motion of the gentleman from Illinois to have a select committee to investigate appointed by a committee to be appointed by the Speaker.

Mr. MANN. Oh, no.

Mr. COOPER. As I understand the motion now before the House, it is to refer the resolution of the gentleman from Texas to a select committee.

Mr. UNDERWOOD. Mr. Speaker, I think the debate has gone as far as it ought to in this matter, but, at the request of the chairman of the Committee on Rules, I am willing to withdraw the demand for the previous question. If the House will agree by unanimous consent to allow debate to be closed now and amendments to be offered striking out names, I will withdraw my motion for the previous question—

Mr. MURDOCK. I object to that.

Mr. MANN. I suppose it is in order for the gentleman to move the previous question on the pending motion without making it apply to the resolution—

Mr. UNDERWOOD. Oh, well, my purpose is—

Mr. MANN. That would cut off debate on the proposition which I have offered without affecting the right to amend, if my motion is not agreed to.

Mr. UNDERWOOD. I will state to the gentleman from Illinois this proposition has been under debate for some time, but of course I have no desire to cut off debate on the gentleman's resolution—

Mr. MANN. But I have no objection to the gentleman moving the previous question on my resolution.

Mr. UNDERWOOD. But I will say this, that I do not desire to cut off the gentleman from Kansas from moving to strike out a name and inserting some other name, but I think the time has come when this debate should be closed.

Mr. MANN. If the gentleman from Alabama will simply move the previous question on the pending motion, which is my motion, that will not affect the right to amend the original resolution if the motion is not agreed to.

Mr. UNDERWOOD. But it will not cut off debate on the original motion.

Mr. HENRY of Texas. Mr. Speaker, I desire to submit a motion for unanimous consent to this effect, that the gentleman from Kansas be allowed to offer an amendment to strike out whatever name or names he may desire and insert others, and that debate be now closed and that the House vote at once on the resolution and all pending amendments.

Mr. KENDALL. Mr. Speaker, I object to that.

Mr. MANN. Mr. Speaker, I think that would hardly be fair to propose new names without the right of discussion either for or against them, and hence I would be obliged to object to that request.

Mr. UNDERWOOD. As far as the offering of amendments is concerned, you have had the opportunity; we are willing to give it to you now by unanimous consent. If you are not willing to take it, I move the previous question on the resolution and all amendments thereto to its final passage. [Applause on the Democratic side.]

Mr. BROUSSARD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BROUSSARD. If the motion of the gentleman from Alabama carries will it be in order for me to offer an amendment?

The SPEAKER. It will not.



Mr. BROUSSARD. I move an amendment now, Mr. Speaker—

Mr. HENRY of Texas. Mr. Speaker, I make the point of order against that.

The SPEAKER. The question is on adopting the previous question.

Mr. MANN. Mr. Speaker, I make the point of order that the gentleman can not move the previous question on the original resolution while there is pending a motion to refer a resolution to a committee; that he can only move the previous question upon the motion pending before the House at this time.

Mr. UNDERWOOD. I would like for the gentleman to cite his authority for that proposition.

Mr. MANN. Let the Chair cite that.

Mr. UNDERWOOD. I am sure the gentleman has not it to cite.

The SPEAKER. If the gentleman from Illinois has any authority to cite, the Chair would like to hear it.

Mr. MANN. Mr. Speaker, I am not able at present to lay my hands upon the authority. [Laughter on the Democratic side.] But the Speaker will remember that the motion for the previous question does not apply, although made and carried, to a subsequent motion to recommit, and if the gentleman from Alabama had moved the previous question upon the resolution it would still have been in order for me to move, after the previous question was ordered, both before and after, under the rule, to recommit, and that motion is not affected by the operation of the previous question already ordered.

Mr. UNDERWOOD. I do not take any issue with the gentleman on the question to recommit.

Mr. MANN. A motion to recommit and a motion to commit are the same thing.

Mr. UNDERWOOD. They are recognized in a different attitude under the rules of this House.

Mr. MANN. I think not. A motion to refer, a motion to commit, and a motion to recommit are all the same thing.

Mr. UNDERWOOD. We will decide the question of a motion to recommit when we get to it. I am not so sure that on this resolution the gentleman has the right. I demand the regular order.

Mr. MANN. I have made the motion, under the rules, to commit this resolution to a committee. The rule provides that the motion can be made either before or after the previous question is ordered.

Mr. SHERLEY. It does not prevent the previous question applying to both motions.

Mr. HENRY of Texas. If the Chair will indulge me I will read from Rule XVII, which refers directly to this kind of a situation:

There shall be a motion for the previous question, which, being ordered by a majority of Members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments, and include the bill to its passage or rejection.

Now, when the previous question is ordered we vote on the gentleman's motion and vote on the resolution to every pending amendment.

Mr. UNDERWOOD. Mr. Speaker, that has been decided a number of times. I call the attention of the Chair to the fact that it says that the motion may apply to the main question and to a pending motion to refer. If the Chair will look at Hinds' Precedents, Volume V, section 5466, he will find it has been very clearly decided.

The SPEAKER. The point of order is overruled. The question is on ordering the previous question.

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. MURDOCK. Mr. Speaker, I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER. The Chair begs the indulgence of the House for just a moment. The Chair is not at all certain but that he misled the gentleman from Kansas [Mr. MURDOCK] or misled himself—he does not know which. When the gentleman from Kansas rose and asked if the amendment that he wants to offer now was in order, the parliamentary situation was that the motion of the gentleman from Mississippi [Mr. Sisson] to refer the resolution of the gentleman from Texas [Mr. HENRY] was pending. The gentleman from Kansas [Mr. MURDOCK] rose and asked that if a motion to substitute a name would be in order at that time, and the Chair replied it would not. Subsequently the motion to refer was withdrawn and that left a new situation.

Mr. MURDOCK. If the Speaker of the House will indulge me for just a moment, I think he has stated the proposition correctly up to that point. But the motion of the gentleman from Mississippi was withdrawn at the time that the gentleman from Illinois had the floor, and in the midst of the gentleman's speech, and as soon as it was withdrawn the gentleman from Illinois, having the floor, at once presented another motion, which precluded the right of anybody else to strike out a name and insert another.

The SPEAKER. That is precisely true.

Mr. MURDOCK. That completes the whole statement, then, correctly.

Mr. UNDERWOOD. I will state to the gentleman from Kansas, Mr. Speaker, that this side is perfectly willing to give unanimous consent for his order.

Mr. MANN. Mr. Speaker, I ask for the regular order.

The SPEAKER. The question is on ordering the previous question.

The Clerk will call the roll.

The question was taken and there were—yeas 139, nays 80, answered "present" 13, not voting 153, as follows:

## YEAS—139.

|                |                  |                  |                 |
|----------------|------------------|------------------|-----------------|
| Adamson        | Donohoe          | Hughes, N. J.    | Ransdell, La.   |
| Alexander      | Dupre            | Hull             | Rauch           |
| Allen          | Edwards          | Humphreys, Miss. | Redfield        |
| Anderson, Ohio | Evans            | Jacoway          | Reilly          |
| Ashbrook       | Faison           | Johnson, Ky.     | Richardson      |
| Ayers          | Ferris           | Jones            | Roddenberry     |
| Bartlett       | Fields           | Kipp             | Rothermel       |
| Blackmon       | Flood, Va.       | Konig            | Rouse           |
| Borland        | Floyd, Ark.      | Korbly           | Rubey           |
| Bradley        | Fowler           | Latta            | Russell         |
| Brantley       | Francis          | Lee, Pa.         | Sabath          |
| Buchanan       | Garner           | Levy             | Saunders        |
| Bulkley        | George           | Lewis            | Shackleford     |
| Burke, Wis.    | Glass            | Linthicum        | Sherwood        |
| Byrnes, S. C.  | Goodwin, Ark.    | Littlepage       | Sims            |
| Byrns, Tenn.   | Gould            | Littleton        | Smith, Tex.     |
| Callaway       | Graham           | Lloyd            | Stack           |
| Candler        | Gregg, Pa.       | Lobeck           | Stanley         |
| Carlin         | Gudger           | McGillcuddy      | Stedman         |
| Carter         | Hamill           | McHenry          | Stephens, Miss. |
| Claypool       | Hamilton, W. Va. | Macon            | Stephens, Tex.  |
| Clayton        | Hamlin           | Maguire, Nebr.   | Stone           |
| Cline          | Hammond          | Martin, Colo.    | Sulzer          |
| Collier        | Hardwick         | Mays             | Sweet           |
| Connell        | Hardy            | Morrison         | Taylor, Ala.    |
| Cox, Ind.      | Harrison, Miss.  | Murray           | Taylor, Colo.   |
| Cullop         | Harrison, N. Y.  | Oldfield         | Thomas          |
| Daugherty      | Hay              | O'Shaunessy      | Townsend        |
| Davis, W. Va.  | Heflin           | Padgett          | Tribble         |
| Dent           | Helm             | Patten, N. Y.    | Underwood       |
| Dickinson      | Henry, Tex.      | Pepper           | Watkins         |
| Dickson, Miss. | Hensley          | Peters           | Wickliffe       |
| Dies           | Houston          | Pujo             | Witherspoon     |
| Difenderfer    | Howard           | Rainey           | Young, Tex.     |
| Dixon, Ind.    | Hughes, Ga.      | Randell, Tex.    |                 |

## NAYS—80.

|                 |                 |                 |                 |
|-----------------|-----------------|-----------------|-----------------|
| Anderson, Minn. | French          | Lawrence        | Pray            |
| Austin          | Greene          | Lenroot         | Prouty          |
| Bingham         | Griest          | Lindbergh       | Rees            |
| Bowman          | Hanna           | McCall          | Roberts, Nev.   |
| Broussard       | Hartman         | McCreary        | Sells           |
| Cannon          | Hawley          | McGuire, Okla.  | Sloan           |
| Catlin          | Helgesen        | McKinney        | Smith, J. M. C. |
| Cooper          | Hill            | Mann            | Stephens, Cal.  |
| Copley          | Howell          | Martin, S. Dak. | Stevens, Minn.  |
| Crago           | Howland         | Mondell         | Towner          |
| Crumpacker      | Hubbard         | Moon, Pa.       | Utter           |
| Danforth        | Humphrey, Wash. | Morgan          | Vreeland        |
| Davis, Minn.    | Jackson         | Murdoch         | Warburton       |
| Dodds           | Kahn            | Needham         | Wedemeyer       |
| Dwight          | Kendall         | Olmsted         | Wilder          |
| Dyer            | Kennedy         | Parran          | Willis          |
| Esch            | Kinkaid, Nebr.  | Payne           | Wilson, Ill.    |
| Focht           | Knowland        | Pickett         | Woods, Iowa     |
| Foss            | La Follette     | Plumley         | Young, Kans.    |
| Foster, Vt.     | Langham         | Powers          | Young, Mich.    |

## ANSWERED "PRESENT"—13.

|           |                 |            |         |
|-----------|-----------------|------------|---------|
| Barchfeld | Gregg, Tex.     | Moore, Pa. | Slayden |
| Booher    | Hamilton, Mich. | Prince     |         |
| Finley    | Hobson          | Raker      |         |
| Garrett   | Moon, Tenn.     | Sherley    |         |

## NOT VOTING—153.

|                |             |                 |                |
|----------------|-------------|-----------------|----------------|
| Adair          | Burnett     | Doughton        | Goldfogle      |
| Aiken, S. C.   | Butler      | Draper          | Good           |
| Akin, N. Y.    | Calder      | Driscoll, D. A. | Gordon         |
| Ames           | Campbell    | Driscoll, M. E. | Gray           |
| Andrus         | Cantrill    | Ellerbe         | Guernsey       |
| Ansberry       | Cary        | Estopinal       | Harris         |
| Anthony        | Clark, Fla. | Fairchild       | Haugen         |
| Barnhart       | Conry       | Farr            | Hayes          |
| Bartholdt      | Covington   | Fitzgerald      | Heald          |
| Bates          | Cox, Ohio   | Fordney         | Henry, Conn.   |
| Bathrick       | Cravens     | Fornes          | Higgins        |
| Beall, Tex.    | Curley      | Foster, Ill.    | Hinds          |
| Bell, Ga.      | Currier     | Fuller          | Holland        |
| Berger         | Dalzell     | Gallagher       | Hughes, W. Va. |
| Boehne         | Davenport   | Gardner, Mass.  | James          |
| Brown          | Davidson    | Gardner, N. J.  | Johnson, S. C. |
| Burke, Pa.     | De Forest   | Gillett         | Kent           |
| Burke, S. Dak. | Denver      | Godwin, N. C.   | Kindred        |
| Burleson       | Doremus     | Goeke           | Kinkaid, N. J. |



|              |             |                 |                |
|--------------|-------------|-----------------|----------------|
| Kitchin      | Madison     | Roberts, Mass.  | Talbott, Md.   |
| Konop        | Maier       | Robinson        | Talcott, N. Y. |
| Kopp         | Malby       | Rodenberg       | Taylor, Ohio   |
| Lafcan       | Matthews    | Rucker, Colo.   | Thayer         |
| Lafferty     | Miller      | Rucker, Mo.     | Thistlewood    |
| Lamb         | Mitchell    | Scully          | Tilson         |
| Langley      | Moore, Tex. | Sharp           | Turnbull       |
| Lee, Ga.     | Morse, Wis. | Sheppard        | Tuttle         |
| Legare       | Moss, Ind.  | Simmons         | Underhill      |
| Lever        | Mott        | Sisson          | Volstead       |
| Lindsay      | Nelson      | Slemp           | Webb           |
| Longworth    | Norris      | Small           | Weeks          |
| Loud         | Nye         | Smith, Saml. W. | Whitacre       |
| Loudenslager | Page        | Smith, N. Y.    | White          |
| McCoy        | Palmer      | Sparkman        | Wilson, N. Y.  |
| McDermott    | Patton, Pa. | Speer           | Wilson, Pa.    |
| McKinley     | Porter      | Steenerson      | Wood, N. J.    |
| McLaughlin   | Post        | Sterling        |                |
| McMorran     | Pou         | Sulloway        |                |
| Madden       | Riordan     | Switzer         |                |

So the previous question was ordered.

The Clerk announced the following pairs:

For the session:

Mr. FINLEY with Mr. CURRIER.

Mr. FORNES with Mr. BRADLEY.

Mr. RIORDAN with Mr. ANDREWS.

Until further notice:

Mr. WEBB with Mr. WOOD of New Jersey.

Mr. THAYER with Mr. VOLSTEAD.

Mr. TALBOTT of Maryland with Mr. TAYLOR of Ohio.

Mr. SMITH of New York with Mr. STERLING.

Mr. SMALL with Mr. STEENERSON.

Mr. SHEPPARD with Mr. SPEER.

Mr. SCULLY with Mr. PATTON of Pennsylvania.

Mr. RUCKER of Missouri with Mr. NYE.

Mr. RUCKER of Colorado with Mr. NORRIS.

Mr. POST with Mr. NELSON.

Mr. PALMER with Mr. MOTT.

Mr. PAGE with Mr. MORSE of Wisconsin.

Mr. MOSS of Indiana with Mr. MITCHELL.

Mr. MOON of Tennessee with Mr. MILLER.

Mr. MAHER with Mr. MADDEN.

Mr. McDERMOTT with Mr. McKINLEY.

Mr. LEVER with Mr. WEEKS.

Mr. LEGARE with Mr. LONGWORTH.

Mr. AIKEN of South Carolina with Mr. AKIN of New York.

Mr. ANSBERRY with Mr. BATES.

Mr. BEALL of Texas with Mr. BURKE of Pennsylvania.

Mr. BOEHNE with Mr. CALDER.

Mr. BROWN with Mr. CAMPELL.

Mr. BURLESON with Mr. DAVIDSON.

Mr. CANTRILL with Mr. FARR.

Mr. CONRY with Mr. GARDNER of Massachusetts.

Mr. COX of Ohio with Mr. GARDNER of New Jersey.

Mr. DENVER with Mr. GILLET.

Mr. DAUGHTON with Mr. HAUGEN.

Mr. DANIEL A. DRISCOLL with Mr. HEALD.

Mr. ESTOPINAL with Mr. HENRY of Connecticut.

Mr. ROBINSON with Mr. FORDNEY.

Mr. GODWIN of North Carolina with Mr. HINDS.

Mr. GOLDFOGLE with Mr. KENT.

Mr. GRAY with Mr. LAFFERTY.

Mr. TUTTLE with Mr. LANGLEY.

Mr. KINKAD of New Jersey with Mr. McLAUGHLIN.

Mr. LAMB with Mr. McMORRAN.

Mr. LEVER with Mr. WEEKS.

Mr. ROBINSON with Mr. FORDNEY.

Mr. JOHNSON of South Carolina with Mr. BUTLER.

Mr. ADAIR with Mr. AMES.

Mr. TURNBULL with Mr. GUERNSEY.

Mr. DAVIS of West Virginia with Mr. GOOD.

Mr. WILSON of New York with Mr. LAFEAN.

Mr. JAMES with Mr. HAMILTON of Michigan.

Mr. CURLEY with Mr. MALBY.

Mr. KITCHIN with Mr. PRINCE.

Mr. CLINE with Mr. HARRIS.

Mr. HOBSON with Mr. FAIRCHILD. (Transferable.)

Mr. KONOP with Mr. MATTHEWS.

Mr. MOORE of Texas with Mr. HAYES. (Transferable.)

Mr. CRAVEN with Mr. LOUDENSLAGER.

Mr. ELLERBE with Mr. DRAPER.

Mr. SLAYDEN with Mr. TILSON.

Mr. WHITE with Mr. FOSTER of Vermont.

Mr. BARNHART with Mr. SIMMONS.

Mr. SPARKMAN with Mr. BARCHFELD.

Mr. FOSTER of Illinois with Mr. KOPP.

Mr. LEE of Georgia with Mr. DE FOREST.

Mr. KINDRED with Mr. HIGGINS.

Mr. LINDSAY with Mr. SLEMP.

Mr. BOOHER with Mr. SULLOWAY.

Mr. DOREMUS with Mr. SMITH of Michigan.

Mr. GALLAGHER with Mr. FULLER.

Mr. TALCOTT of New York with Mr. PORTER.

Mr. MCCOY with Mr. SWITZER.

Mr. UNDERHILL with Mr. ANTHONY.

For the balance of the day:

Mr. SISSON with Mr. LOUD.

Until May 17:

Mr. BELL of Georgia with Mr. MOORE of Pennsylvania.

Until May 18:

Mr. SHERLEY with Mr. DALZELL.

Mr. GREGG of Texas (for previous question) with Mr. ROBERTS of Massachusetts (against).

Until May 19:

Mr. COVINGTON with Mr. MICHAEL E. DRISCOLL.

From May 9 to 24, inclusive:

Mr. GOEKE with Mr. BARTHOLDT.

From May 15 to May 25:

Mr. BATHRICK with Mr. CARY.

Until next week:

Mr. POU with Mr. MADISON. (Transferable.)

From May 5 for two weeks:

Mr. CLARK of Florida with Mr. BURKE of South Dakota.

From May 13 for two weeks:

Mr. DAVENPORT with Mr. RODENBERG.

From May 15 for two weeks:

Mr. BURNETT with Mr. THISTLEWOOD.

From May 12 for three weeks:

Mr. GORDON with Mr. HUGHES of West Virginia.

Mr. HAMILTON of Michigan. Mr. Speaker, on this roll call I voted "no," but I find I am paired with the gentleman from Kentucky, Mr. JAMES. I therefore desire to withdraw my vote and answer "present."

The Clerk called the name of Mr. HAMILTON and he voted "present," as above recorded.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the amendment offered by the gentleman from Illinois, which the Clerk will report.

The Clerk read as follows:

Mr. MANN moves to commit the resolution to a select committee of 15 Members.

Mr. MANN. Mr. Speaker, on that I ask for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 74, nays 138, answering "present" 9, not voting 164, as follows:

#### YEAS—74.

|                 |                 |                 |                 |
|-----------------|-----------------|-----------------|-----------------|
| Anderson, Minn. | Greene          | Lindbergh       | Rees            |
| Austin          | Griest          | McCall          | Roberts, Nev.   |
| Berger          | Hanna           | McCreary        | Sells           |
| Bowman          | Harrison, N. Y. | McGuire, Okla.  | Sloan           |
| Buchanan        | Hawley          | McKinney        | Smith, J. M. C. |
| Campbell        | Helgesen        | Mann            | Stephens, Cal.  |
| Copley          | Hill            | Martin, S. Dak. | Stevens, Minn.  |
| Crago           | Hinds           | Mondell         | Taylor, Ohio.   |
| Crumpacker      | Howland         | Moon, Pa.       | Utter           |
| Danforth        | Hubbard         | Morgan          | Vreeland        |
| Davis, Minn.    | Humphrey, Wash. | Murdock         | Wedemeyer       |
| Dodds           | Kahn            | Needham         | Wilder          |
| Dwight          | Kennedy         | Olmsted         | Willis          |
| Dyer            | Kinkaid, Nebr.  | Parran          | Wilson, Ill.    |
| Esch            | Knowland        | Payne           | Woods, Iowa     |
| Focht           | La Follette     | Pickett         | Young, Kans.    |
| Foss            | Langham         | Plumley         | Young, Mich.    |
| French          | Lawrence        | Powers          |                 |
| Gardner, N. J.  | Lenroot         | Pray            |                 |

#### NAYS—138.

|                |                |                  |                |
|----------------|----------------|------------------|----------------|
| Adamson        | Cooper         | Glass            | Jacoway        |
| Alexander      | Cox, Ind.      | Goodwin, Ark.    | Johnson, Ky.   |
| Allen          | Daugherty      | Gould            | Jones          |
| Anderson, Ohio | Dent           | Graham           | Kendall        |
| Ashbrook       | Dickinson      | Gregg, Pa.       | Kipp           |
| Ayres          | Dickson, Miss. | Gudger           | Konig          |
| Bartlett       | Dies           | Hamill           | Korbly         |
| Blackmon       | Defenderfer    | Hamilton, W. Va. | Latta          |
| Borland        | Dixon, Ind.    | Hamlin           | Lee, Pa.       |
| Brantley       | Donohoe        | Hammond          | Legare         |
| Brown          | Dupre          | Hardy            | Levy           |
| Bulkeley       | Edwards        | Harrison, Miss.  | Lewis          |
| Burke, Wis.    | Evans          | Hay              | Linthicum      |
| Byrnes, S. C.  | Faison         | Heflin           | Littlepage     |
| Byrns, Tenn.   | Ferris         | Helm             | Littleton      |
| Callaway       | Fields         | Henry, Tex.      | Lloyd          |
| Candler        | Fitzgerald     | Hensley          | Lobeck         |
| Carlin         | Flood, Va.     | Houston          | McGillcuddy    |
| Carter         | Floyd, Ark.    | Howard           | McHenry        |
| Claypool       | Fowler         | Hughes, Ga.      | Macon          |
| Clayton        | Francis        | Hughes, N. J.    | Maguire, Nebr. |
| Collier        | Garner         | Hull             | Mays           |
| Connell        | George         | Humphreys, Miss. | Moon, Tenn.    |



|               |             |                 |               |
|---------------|-------------|-----------------|---------------|
| Morrison      | Rauch       | Sherwood        | Taylor, Ala.  |
| Murray        | Redfield    | Sims            | Taylor, Colo. |
| Oldfield      | Reilly      | Slisson         | Thomas        |
| O'Shaunessy   | Richardson  | Smith, Tex.     | Townsend      |
| Padgett       | Roddenberry | Stack           | Tribble       |
| Patten, N. Y. | Rothermel   | Stanley         | Underwood     |
| Pepper        | Rouse       | Stedman         | Watkins       |
| Peters        | Rubey       | Stephens, Miss. | Wickliffe     |
| Pujo          | Russell     | Stephens, Tex.  | Witherspoon   |
| Rainey        | Sabath      | Stone           | Young, Tex.   |
| Raker         | Saunders    | Sulzer          |               |
| Ransdell, La. | Shackleford | Sweet           |               |

## ANSWERED "PRESENT"—9.

|           |                 |               |         |
|-----------|-----------------|---------------|---------|
| Barchfeld | Garrett         | Martin, Colo. | Sherley |
| Boober    | Hamilton, Mich. | Prince        | Slayden |
| Finley    |                 |               |         |

## NOT VOTING—164.

|                |                 |                |                 |
|----------------|-----------------|----------------|-----------------|
| Adair          | Denver          | Kent           | Pou             |
| Aiken, S. C.   | Doremus         | Kindred        | Prouty          |
| Akin, N. Y.    | Doughton        | Kinhead, N. J. | Randall, Tex.   |
| Ames           | Draper          | Kitchin        | Riordan         |
| Andrus         | Driscoll, D. A. | Konop          | Roberts, Mass.  |
| Ansberry       | Driscoll, M. E. | Kopp           | Robinson        |
| Anthony        | Ellerbe         | Lafean         | Rodenberg       |
| Barnhart       | Estopinal       | Lafferty       | Rucker, Colo.   |
| Bartholdt      | Fairchild       | Lamb           | Rucker, Mo.     |
| Bates          | Farr            | Langley        | Scully          |
| Bathrick       | Fordney         | Lee, Ga.       | Sharp           |
| Beall, Tex.    | Fornes          | Lever          | Sheppard        |
| Bell, Ga.      | Foster, Ill.    | Lindsay        | Simmons         |
| Bingham        | Foster, Vt.     | Longworth      | Slemp           |
| Boehne         | Fuller          | Loud           | Small           |
| Bradley        | Gallagher       | Loudenslager   | Smith, Saml. W. |
| Broussard      | Gardner, Mass.  | McCoy          | Smith, N. Y.    |
| Burke, Pa.     | Gillett         | McDermott      | Sparkman        |
| Burke, S. Dak. | Godwin, N. C.   | McKinley       | Speer           |
| Burleson       | Goeke           | McLaughlin     | Steenerson      |
| Burnett        | Goldfogle       | McMorran       | Sterling        |
| Butler         | Good            | Madden         | Sulloway        |
| Calder         | Gordon          | Madison        | Switzer         |
| Cannon         | Gray            | Maher          | Talbott, Md.    |
| Cantrill       | Gregg, Tex.     | Malby          | Talcott, N. Y.  |
| Cary           | Guernsey        | Matthews       | Thayer          |
| Catlin         | Hardwick        | Miller         | Thistlewood     |
| Clark, Fla.    | Harris          | Mitchell       | Tilson          |
| Cline          | Hartman         | Moore, Pa.     | Towner          |
| Conry          | Haugen          | Moore, Tex.    | Turnbull        |
| Covington      | Hayes           | Morse, Wis.    | Tuttle          |
| Cox, Ohio      | Heald           | Moss, Ind.     | Underhill       |
| Cravens        | Henry, Conn.    | Mott           | Volstead        |
| Cullop         | Higgins         | Nelson         | Warburton       |
| Curley         | Hobson          | Norris         | Webb            |
| Currier        | Holland         | Nye            | Weeks           |
| Dalzell        | Howell          | Page           | Whitacre        |
| Davenport      | Hughes, W. Va.  | Palmer         | White           |
| Davidson       | Jackson         | Patton, Pa.    | Wilson, N. Y.   |
| Davis, W. Va.  | James           | Porter         | Wilson, Pa.     |
| De Forest      | Johnson, S. C.  | Post           | Wood, N. J.     |

So the motion was lost.

The following additional pairs were announced:

Until further notice:

Mr. GREGG of Texas (against) with Mr. ROBERTS of Massachusetts (for amendment).

Mr. WHITACRE with Mr. NORRIS.

Mr. WILSON with Mr. HOWELL.

Mr. TALBOTT with Mr. HARTMAN.

Mr. COX of Ohio with Mr. CANNON.

Mr. DAVIS of West Virginia with Mr. CARLIN.

Mr. BROUSSARD with Mr. BINGHAM.

Mr. HENRY of Texas. Mr. Speaker, I would like to ask if the gentleman from Indiana, Mr. GRAY, is recorded, and how.

The SPEAKER. He is recorded in the affirmative.

Mr. HENRY of Texas. I am informed that Mr. GRAY is not present, but that some gentleman whose name comes close to his answered, thinking that it was his name. I think it is a matter of injustice for Mr. GRAY to be recorded.

The SPEAKER. It is absolutely improper and the Clerk will erase the vote.

The result of the vote was then announced as above recorded.

The SPEAKER. The question now recurs on the adoption of the resolution.

The question was considered, and the resolution was agreed to.

A motion by Mr. HENRY of Texas to reconsider the vote whereby the resolution was agreed to was, upon his motion, laid on the table.

## MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 2183. An act to authorize change in construction of barracks and other necessary buildings for mobile troops in the Hawaiian Islands, and for other purposes; and

S. 26. An act to authorize the acceptance by the United States of the gift of the Nathan Straus Pasteurized Milk Laboratory

for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes.

## SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills of the following titles were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2183. An act to authorize change in construction of barracks and other necessary buildings for mobile troops in the Hawaiian Islands, and for other purposes; to the Committee on Appropriations.

S. 26. An act to authorize the acceptance by the United States of the gift of the Nathan Strauss Pasteurized Milk Laboratory for the purpose of investigating the relative value of pasteurized and raw milk for infant feeding, and for other appropriate scientific purposes; to the Committee on the District of Columbia.

## LEAVE TO PRINT.

Mr. SLAYDEN. Mr. Speaker, I ask unanimous consent to print some remarks in the RECORD.

The SPEAKER. The gentleman from Texas asks unanimous consent to extend his remarks in the RECORD. Is there objection?

There was no objection.

## RESIGNATION FROM SELECT COMMITTEE—UNITED STATES STEEL INVESTIGATION.

The SPEAKER laid before the House the following communication:

WASHINGTON, D. C., May 17, 1911.

HON. CHAMP CLARK,

Speaker of the House of Representatives.

MY DEAR MR. SPEAKER: Not anticipating that any business would be transacted by the House yesterday beyond the debate upon the resolution providing for the approval of the constitutions of New Mexico and Arizona, I withdrew from the Hall to attend to other matters. During my absence the House paid me the compliment of a unanimous election to membership on the select committee provided for by House resolution 148, for the investigation of the affairs of the United States Steel Corporation and other corporations. That election, coming without solicitation or suggestion from me, I very much appreciate, but I find that the resolution includes, by name, the Pennsylvania Steel Co. and calls for an inquiry whether it has any relations or affiliations in violation of law, with the so-called Steel Corporation. The Pennsylvania Steel Co. is located in my district. I have no financial interest in it of any kind and have never represented it professionally or in any other way. I have, however, a great interest in its welfare because so many of my constituents are dependent upon it for support and some of its officers are my warm personal friends. I do not believe that it has any relations or affiliations in violation of law with the United States Steel Corporation or anybody else, but it will avoid any appearance of partiality if the finding to that effect be made by others than myself. I therefore beg to be excused from service upon the committee.

Very respectfully,

M. E. OLMSTED.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

## LEAVE OF ABSENCE.

By unanimous consent leave of absence was granted to—Mr. SHEPPARD, for one week, on account of important business.

Mr. SLEMP, for 10 days, on account of illness.

Mr. PARRAN, for one week, on account of illness in family.

## WITHDRAWAL OF PAPERS.

By unanimous consent leave was granted to Mr. GREGG of Pennsylvania to withdraw from the files of the House, without leaving copies, the papers with the bill H. R. 11975, Sixty-first Congress, no adverse report having been made thereon.

## ADJOURNMENT.

Then, on motion of Mr. UNDERWOOD (at 4 o'clock and 41 minutes p. m.), the House adjourned until Thursday, May 18, 1911, at 12 o'clock m.

## EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Acting Secretary of the Interior, transmitting copy of a letter from the president of the United States Civil Service Commission inclosing schedule of useless papers on file in that department (H. Doc. No. 57); to the Joint Select Committee on Disposition of Useless Executive Papers and ordered to be printed.

2. A letter from the Secretary of the Treasury, recommending the enactment of certain legislation affecting administrative work in the office of the Supervising Architect (H. Doc. No. 58); to the Committee on Public Buildings and Grounds and ordered to be printed.



# REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. RODDENBERRY, from the Committee on Accounts, to which was referred the joint resolution of the House (H. J. Res. 75) reducing the number of Capitol police, reported the same without amendment, accompanied by a report (No. 34), which said bill and report were referred to the House Calendar.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KIPP: A bill (H. R. 9764) to amend the pension laws by increasing the pensions of soldiers and sailors who may have served in any war prior to 1866 and of widows and orphans of such soldiers and sailors; to the Committee on Invalid Pensions.

By Mr. BERGER: A bill (H. R. 9765) to authorize the erection of a Government post-office building at Waukesha, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. PADGETT: A bill (H. R. 9766) fixing the rank and precedence of naval attachés; to the Committee on Naval Affairs.

By Mr. FOCHT: A bill (H. R. 9767) to authorize the elimination of part of North Dakota Avenue from the permanent system of highways plan; to the Committee on the District of Columbia.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 9768) to establish a fish hatchery at Ittabena, Miss.; to the Committee on the Merchant Marine and Fisheries.

By Mr. COX of Indiana: A bill (H. R. 9769) to amend section 14 of an act approved March 4, 1911, entitled "An act to enable any State to cooperate with any other State or States or with the United States for the protection of the watersheds of navigable streams, and to appoint a commission for the acquisition of lands for the purpose of conserving the navigability of navigable rivers," etc.; to the Committee on Agriculture.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ANDERSON of Ohio: A bill (H. R. 9770) granting a pension to Henry Neff; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9771) granting a pension to Charles H. Gilkesson; to the Committee on Invalid Pensions.

By Mr. AYRES: A bill (H. R. 9772) granting a pension to Charles T. Winans; to the Committee on Invalid Pensions.

By Mr. BURKE of Wisconsin: A bill (H. R. 9773) to remove the charge of desertion against John Mitchell; to the Committee on Naval Affairs.

By Mr. BELL of Georgia: A bill (H. R. 9774) granting a pension to William M. Hammontree, alias William P. Hammontree; to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 9775) granting a pension to Daniel Michels; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9776) granting an increase of pension to Celestia Davies; to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 9777) for the relief of the legal representatives of John Giblin; to the Committee on War Claims.

Also, a bill (H. R. 9778) granting an increase of pension to Edward Anthony; to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 9779) granting a pension to Myron L. Spear; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9780) granting an increase of pension to Abner Wilkins; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 9781) granting an increase of pension to Isaac Leas; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9782) granting an increase of pension to George Devo; to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 9783) for the relief of John W. Canary; to the Committee on War Claims.

Also, a bill (H. R. 9784) granting a pension to James M. Vint; to the Committee on Pensions.

Also, a bill (H. R. 9785) granting a pension to Herschel Spainhour; to the Committee on Pensions.

Also, a bill (H. R. 9786) granting a pension to Elvina Moore; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9787) granting an increase of pension to Thomas R. Campbell; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9788) granting an increase of pension to John D. Hammersley; to the Committee on Invalid Pensions.

By Mr. DAVIS of West Virginia: A bill (H. R. 9789) granting a pension to Frank Shaver; to the Committee on Pensions.

Also, a bill (H. R. 9790) granting an increase of pension to George W. Brandon; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9791) granting an increase of pension to D. B. Johnson; to the Committee on Invalid Pensions.

By Mr. DIFENDERFER: A bill (H. R. 9792) granting a pension to Elizabeth Allabaugh; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9793) granting a pension to Henry H. Shive; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9794) granting an increase of pension to Enos S. Krause; to the Committee on Invalid Pensions.

By Mr. DYER: A bill (H. R. 9795) granting a pension to Patrick Burke; to the Committee on Invalid Pensions.

By Mr. FAIRCHILD: A bill (H. R. 9796) granting an increase of pension to Jefferson Wells; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9797) granting an increase of pension to Caroline M. Tilly; to the Committee on Invalid Pensions.

By Mr. FLOYD of Arkansas: A bill (H. R. 9798) granting a pension to Josaphine C. Long; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9799) granting an increase of pension to Isom Richey; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9800) granting an increase of pension to William H. H. Ruble; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9801) granting an increase of pension to James L. Moss; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9802) granting an increase of pension to W. R. Gabbord; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9803) granting an increase of pension to David M. Hurt; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9804) granting an increase of pension to A. B. Light; to the Committee on Pensions.

By Mr. HAMILTON of West Virginia: A bill (H. R. 9805) granting an increase of pension to G. W. Phillips; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9806) granting an increase of pension to Warren Burch; to the Committee on Invalid Pensions.

By Mr. HINDS: A bill (H. R. 9807) for the relief of the legal representatives of George Gwynn; to the Committee on War Claims.

Also, a bill (H. R. 9808) granting an increase of pension to Albert F. Cummings; to the Committee on Invalid Pensions.

By Mr. HOUSTON: A bill (H. R. 9809) granting a pension to Walter A. Menges; to the Committee on Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 9810) granting an increase of pension to Andrew J. Robertson; to the Committee on Invalid Pensions.

By Mr. KIPP: A bill (H. R. 9811) granting a pension to William Hill; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9812) granting an increase of pension to John Smith; to the Committee on Invalid Pensions.

By Mr. KONOP: A bill (H. R. 9813) granting an increase of pension to John Goeden; to the Committee on Invalid Pensions.

By Mr. LEE of Pennsylvania: A bill (H. R. 9814) granting an increase of pension to Josiah F. Wildermuth; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9815) granting an increase of pension to Henry Hepler; to the Committee on Invalid Pensions.

By Mr. LINDSAY: A bill (H. R. 9816) granting a pension to Patrick Quinn; to the Committee on Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9817) granting an increase of pension to Parthenia M. T. P. Roelker; to the Committee on Invalid Pensions.

By Mr. MORGAN: A bill (H. R. 9818) granting an increase of pension to C. E. Kenney; to the Committee on Invalid Pensions.

By Mr. O'SHAUNESSY: A bill (H. R. 9819) granting an increase of pension to Catherine McGovern; to the Committee on Invalid Pensions.

By Mr. REDFIELD: A bill (H. R. 9820) to correct the military record of Andrew Gaffney; to the Committee on Military Affairs.

Also, a bill (H. R. 9821) for the relief of Martin McNamara, alias Martin Mack; to the Committee on Military Affairs.

By Mr. J. M. C. SMITH: A bill (H. R. 9822) granting an increase of pension to George H. Sliter; to the Committee on Invalid Pensions.



By Mr. THAYER: A bill (H. R. 9823) for the relief of Peter Tatros, otherwise known as John Goodro; to the Committee on Military Affairs.

By Mr. THISTLEWOOD: A bill (H. R. 9824) granting an increase of pension to Overton R. Mallory; to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 9825) for the relief of Frances A. Bliss; to the Committee on War Claims.

By Mr. YOUNG of Kansas: A bill (H. R. 9826) for the relief of Anna L. Shepherd; to the Committee on Pensions.

Also, a bill (H. R. 9827) granting a pension to Lamar W. Hadley; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9828) granting an increase of pension to Charles Swartwood; to the Committee on Invalid Pensions.

Also, a bill (H. R. 9829) granting an increase of pension to David B. Clouse; to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER (by request): Senate resolution 6, Hawaii Territory, in regard to construction of a ditch from Hilo to Kaw; Senate resolution 10, Hawaii Territory, in regard to education, homestead, etc.; Senate resolution 9, Hawaii Territory, in regard to militia, etc.; and resolution from the Legislature of Hawaii Territory requesting the passage of a law admitting the Territory into the Union as a State; to the Committee on the Territories.

By Mr. ASHBROOK: Evidence to accompany House bill 9344, for special relief of Sarah T. Hueston; to the Committee on Invalid Pensions.

By Mr. AYRES: Petition in favor of a parcels post by citizens of the Bronx; to the Committee on the Post Office and Post Roads.

By Mr. BURKE of Wisconsin: Affidavits to accompany bill (H. R. 6154) granting a pension to Alice Rothe; to the Committee on Pensions.

Also, papers to accompany bill (H. R. 7082) granting an increase of pension to George Whalen; to the Committee on Invalid Pensions.

By Mr. COX of Indiana: Petition of sundry citizens of Bedford, Ind., against parcels post; to the Committee on the Post Office and Post Roads.

By Mr. DE FOREST: Petitions of sundry persons asking reduction in duty on raw sugar; to the Committee on Ways and Means.

By Mr. DYER: Affidavits in matter of pension for Patrick Burke; to the Committee on Invalid Pensions.

By Mr. FOCHT: Affidavits to accompany House bill 9594, in behalf of David Trutt; to the Committee on Invalid Pensions.

By Mr. HANNA: Memorial of sundry citizens of McHenry, Foster County, N. Dak., expressing appreciation of the attitude of Mr. HANNA in regard to reciprocity with Canada; to the Committee on Ways and Means.

Also, petition of sundry citizens of Arthur, N. Dak., for establishment of a parcels post; to the Committee on the Post Office and Post Roads.

By Mr. HELM: Affidavits to accompany House bill 9618, in behalf of John C. Caldwell; House bill 9620, in behalf of William J. Martin; and House bill 9621, in behalf of Joseph Reece; to the Committee on Invalid Pensions.

By Mr. HOUSTON: Affidavits to accompany House bill 7425 in behalf of Henry E. Deberry and House bill 5235 in behalf of Alexander Scott; to the Committee on Invalid Pensions.

Also, affidavits to accompany House bill 5239 in behalf of John H. Hubbard; to the Committee on Military Affairs.

By Mr. LAMB: Resolution of the Fortnightly Club of Keene, N. H., and Local Union No. 179, Brotherhood of Painters, Decorators, and Paper Hangers of America, favoring repeal of tax on oleomargarine; to the Committee on Agriculture.

By Mr. MAGUIRE of Nebraska: Resolution of the Nebraska Legislature, memorializing Congress to erect on the Federal building at Lincoln, Nebr., a large clock; to the Committee on Public Buildings and Grounds.

By Mr. MORGAN: Resolution of citizens of Oklahoma, second district, in favor of the Berger resolution; to the Committee on Labor.

By Mr. PUJO: Petition in favor of Senate bill 3776, for the regulation of express companies, and others, by citizens of Boyce, Colfax, Washington, Opelousas, Bunkie, Cheneyville, Lecompte, Rayne, Alexandria, Crowley, Jennings, Lake Charles, De Ridder, and Lessville, La.; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS of Massachusetts: Resolution from the Commercial Club of the city of Brockton, protesting against the passage of House bill 4413; to the Committee on Ways and Means.

Also, preamble and resolution adopted by the convention of the Protestant Episcopal Church in the Diocese of Massachusetts at its annual session held in Boston May 3 and 4, 1911; to the Committee on Foreign Affairs.

Also, resolution of the National Association of Shellfish Commissioners, Baltimore, Md., April 19, 1911; to the Committee on the Merchant Marine and Fisheries.

By Mr. J. M. C. SMITH: Memoranda relative to bill for increase of pension for George H. Sliter; to the Committee on Invalid Pensions.

#### SENATE.

THURSDAY, May 18, 1911.

The Senate met at 2 o'clock p. m.

Prayer by the Chaplain, Rev. Ulysses G. B. Pierce, D. D.

The Journal of yesterday's proceedings was read and approved.

#### PETITIONS AND MEMORIALS.

The VICE PRESIDENT presented a joint resolution adopted by the Legislature of the State of Illinois, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

##### House joint resolution 9.

*Resolved by the House of Representatives of the State of Illinois (the Senate concurring therein), That application is hereby made to the Congress of the United States under the provision of Article V of the Constitution of the United States for the calling of a convention to propose an amendment to the Constitution of the United States granting the Congress of the United States the following power:*

*The Congress of the United States shall have the power to prevent and suppress monopolies throughout the United States by appropriate legislation.*

*Resolved further, That the secretary of state is hereby directed to transmit copies of the application to the Senate and House of Representatives of Congress, and to transmit copies thereof to the presiding officers of each of the legislatures now in session in the several States, requesting the cooperation of the said several legislatures.*

*Adopted by the house February 24, 1911.*

*Concurred in by the senate May 11, 1911.*

##### OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, State of Illinois, ss:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the foregoing joint resolution of the Forty-seventh Assembly of the State of Illinois, passed and adopted at the regular session thereof, is a true and correct copy of the original joint resolution now on file in the office of the secretary of state.

In witness whereof I hereunto set my hand and affix the great seal of State, at the city of Springfield, this 12th day of May, A. D. 1911.

[SEAL.]

JAMES A. ROSE,  
Secretary of State.

The VICE PRESIDENT presented petitions of the Mountain View Sunday School, of Hardy County, W. Va.; of the Brethren Church of the Lower Lost River Congregation, of Hardy County, W. Va.; and of the Baptist Sunday school of Bonsach, Va., praying for the enactment of legislation to prohibit the sale and traffic in opium, which were referred to the Committee on Foreign Relations.

Mr. WATSON presented memorials of C. E. Arbuckle, of Lewisburg, W. Va., and of sundry other citizens of that State, remonstrating against the reciprocal trade agreement between the United States and Canada, which were referred to the Committee on Finance.

Mr. JONES. I present a joint memorial of the Legislature of the State of Washington, relative to the organization of a Territorial legislature in the Territory of Alaska. I ask that the joint memorial be printed in the RECORD and referred to the Committee on Territories.

There being no objection, the memorial was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

##### House joint memorial 3.

*To the honorable Senate and House of Representatives in Congress assembled:*

*Whereas the Territory of Alaska is settled by a hardy, active, and energetic people, numbering more than 64,000, according to the Thirteenth Census, 1910, who have in the last 10 years added in gold and fish alone more than \$225,000,000 to the wealth of the Nation, and whose trade with the merchants of the United States last year amounted to more than \$52,000,000, being greater than our trade with China and twice as great in value as the trade with the Philippines; and*

*Whereas the development of the Territory is being greatly retarded by the want of a lawmaking or legislative body therein to be elected by the people:*

*Resolved by the House of Representatives of the State of Washington (the Senate concurring), That the Legislature of Washington does hereby declare its most earnest opinion that it is necessary to the de-*